The Terrible Cost of an Inhuman Counter-Insurgency

Human Rights Forum



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For Copies:

S. Jeevan Kumar
3-12-117/A-2/1, P.S.Colony
Ganesh Nagar, Ramanthapur
Hyderabad - 500 013
Ph : 040-27039519

V.S. Krishna
54-11-59/2
Gazetted Officers Colony
Visakhapatnam - 530 022
Ph : 0891-2543817

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A Preface

for those among us who are unfamiliar with the context

The Naxalites, or more specifically members of the CPI (Maoist), have established themselves in the predominantly adivasi tracts of Central India. They have done this by working among the adivasis and gaining their trust through successfully fighting against various forms of exploitation and oppression that the adivasis were historically subjected to. Because the Indian State sees the Maoist movement as a threat, it has essentially declared a seemingly low-intensity war on the Maoists. With the realisation that the Maoists have significant popular support among the adivasis, in order to effectively counter the movement, our State has chosen to brutalise this support base, these adivasis, to wean them away from the Maoists.

This report is about that brutalisation and its impact. It is essentially a report about the suffering inflicted on a people who are to us non-adivasis so near geographically but so distant and virtually non-existent in our minds and social psyche. Our perception of adivasis has been historically clouded by false caricatures and misinformation by a complex of vested interests. It is similar to what Europeans have done to Africans and the same European settlers have done to Native Americans. They needed their extraordinarily rich lands and natural resources but couldn't just shove those people aside and expropriate them – their own collective moral conscience wouldn't allow that. So they began to portray the native residents of these continents (the "adivasis" there) as savages that need to be civilized if necessary, and inevitably necessarily, at the point of a gun. The caricaturing of the natives as less-than-human beings is essential to the brutal imposition of "civilization" and "development" on them.

Our adivasis have similarly been caricatured and imprinted as less-than-human in our minds over several generations. This makes the violence imposed on them seem insignificant and the resultant suffering invisible. As truly civilized beings, and not as our predecessors who used "civilization" as an excuse to brutalize and exploit, it is time that we begin to see the humanity in our adivasis and the inhumanity of our actions against them. This report is to help us do that – to begin by educating ourselves about and acknowledging the immense and entirely unacceptable suffering inflicted on our so-very-human adivasis by our not-so-human governments and police.



One of the minor boys killed by the CRPF at Sarkeguda

Introduction

Since June 2009, the Indian government has intensified its offensive against the Naxalites mainly in the five States of Chattisgarh, Jharkhand, Maharashtra, Bihar and Orissa with the express objective of annihilating them. This is in keeping with the State's core approach towards Naxalism, which is to wipe it out as if it were a virus, a disease. The underpinnings of social oppression, material deprivation, un-freedom and stark poverty that have given rise to this extraordinary movement is conceded, albeit grudgingly, but the emphasis, in practice, has consistently been to eliminate it with the deployment of an increasing number of security forces. The more special and armed-to-the-teeth with impunity, the more effective. The establishment's view is that over a period of time, this strategy, notwithstanding its viciousness, has paid rich dividends and must be persisted with. The decimation of the LTTE in the summer of 2009 in Sri Lanka has served to consolidate this view.

This report is motivated by our concern about the terrible brutalisation of the lives of ordinary adivasis because of the government's on-going policy of suppressing the Naxalite movement. This is taking place principally in the Scheduled V areas of not just these five States but in West Bengal, Telangana and Andhra Pradesh (AP) as well. The report will focus upon South Chattisgarh and the then AP state. However, there is no reason to believe that the situation is any different in the other States where this venal policy is being played out.

It is a known and admitted fact that the Naxalites, especially the proscribed CPI (Maoist) do indulge in considerable violence such as killing perceived enemies, persons alleged to be police informers, blowing up police and paramilitary vehicles resulting in huge loss of life, including that of civilians at times, kidnapping prominent persons and holding them hostage to realise their demands, destroying public and private properties etc. The HRF neither supports nor advocates use of violence by Naxalites but we have consistently campaigned and advised the government on two counts: (1) That whoever uses violence should be tried and punished only in

accordance with procedure laid down by the law of the land and cannot be subjected to torture or extra-judicial execution by the State. Such acts would be contrary to Articles 14 and 21 of the Indian Constitution. (2) A political movement with a substantial social base such as the Naxalite movement should never be treated merely as a problem of 'law and order' even if it takes to violence. It must be viewed as an expression of deep-rooted oppression in society and desperation and frustration borne out of the oppression. It should be addressed at a political and social level while taking lawful precautions and punitive measures against incidents of violence. In fact, a report of an Expert Group to the Planning Commission in 2008 titled *Development Challenges in Extremist Affected Areas* had elucidated that a detailed and democratic response to the sources of injustice, discontent and disaffection that are at the root of Naxalism is the way forward rather than a 'law and order' fix. This would per se include viewing and treating the Maoist movement as a political phenomenon and devising political means to address it.

The State's core approach towards Naxalism is to wipe it out as if it were a virus, a disease. The underpinnings of social oppression, material deprivation, un-freedom and stark poverty that has given rise to this extraordinary movement is conceded, albeit grudgingly, but the emphasis, in practise, has consistently been to eliminate it with the deployment of an increasing number of security forces.

The government has consistently ignored this advice. It refuses to acknowledge the political and economic content and social base of the Naxalite movement but instead has treated it, and continues to do so, with increasing vehemence as an outbreak of violence and disorder. And in the name of meeting that violence and disorder, the State indulges in lawless suppression of the movement and of the poor and marginalised people who participate in and support the movement. Illegal confinement, torture and rape in police custody and outside, destruction of the houses of the poor, widespread arson of adivasi habitations, setting up and nurturing criminal vigilante gangs, fabrication of false criminal cases and incarcerating people en masse, executing people extra-judicially in the name of "encounters", callously rendering people "missing" (this was employed by the police in Andhra Pradesh during the late ’80s), have been methods used by successive governments to tackle the Naxalite movement.

Over four decades, the human rights movement in India has been exhorting the State to view the Naxalite movement as having its essential roots in many unresolved problems. Systemic neglect has led to a sizeable section of people remaining grossly dispossessed. A consistent effort was made to convince governments to be sensitive to the needs of the marginalised and to fashion policies to address deprivation. In other words, the State was called upon not to view the Naxalite movement as an outbreak of criminality but as a political movement with a base among the people, in particular among the poorest adivasis, dalits, mine workers and the like. The human rights perspective maintains that Naxalism is a political movement -- one that uses violence to attain its objectives, but a political movement nevertheless.

On its part, the government would not concede this. In the initial years, brutal policing was viewed as the only answer to Naxalism. This attitude has not changed. What has been added are frequent pronouncements by the political establishment that Naxalism is not merely a problem of law and order but a phenomenon with socio-economic dimensions. However, there has never been any sincere effort to make this assertion the basis for concrete policy initiatives that would address the deprivation of the poor. In other words, when the State was called upon to recognise that Naxalism had a social base, it would refuse to do so. This is because such an acceptance would mean that the State concedes that it is a political movement with a base among the people. *This* it is not willing to do.

However, when it comes to the State's counter-insurgency strategy, it *does* recognise that the Naxalite movement has a support base among the people. And this base is precisely what it targets and seeks to brutalise to a point where the people themselves reject the militancy that speaks in their name. The intention is clearly to isolate the armed squads of the Naxalites and then finish them off. This is not a novel method that the Indian State is employing but a strategy that is common to counter-insurgency operations worldwide. What the Indian State seems to have convinced itself after the military decimation of the LTTE by the Sri Lankan State is that this policy can succeed here as well.

What we are now witnessing in the States of Chattisgarh, Maharasthra, Orissa, Bihar, Jharkhand, West Bengal and parts of Telangana and AP is a playing out of this deeply unethical and vicious strategy. The injury it is causing the people, predominantly the adivasis resident in these areas, is huge. South Chattisgarh, consisting of the districts

of Dantewara, Sukma and Bijapur (Bijapur and Sukma were carved out of Dantewara on May 11, 2007 and January 1, 2012 respectively), had seen the formation of a criminal vigilante force in the form of the abominable Salwa Judum in 2005. The government tried unsuccessfully to masquerade this as a peaceful people's movement against the Maoists. However, it was common knowledge that it was an instrument of the government and an extremely violent one at that. Salwa Judum gangs have run amuck pillaging villages, burning entire hamlets, raping and killing. The horrific crimes they committed had driven terrified adivasis in their thousands across the border into Telangana, Andhra Pradesh and Odisha. Apart from creating severe humanitarian problems, this large-scale forced displacement has also severely threatened the cultural viability of the indigenous peoples of the region, who depend on their local lands for sustenance and survival. Democratic public opinion in the country has spoken out against this cynically violent and dangerous strategy of the State to take on the Maoists and the Supreme Court has held this State-sponsored vigilantism to be unconstitutional.

Significantly, since the middle of 2009 there has been a shift in government policy. This is characterised by massive deployment of paramilitary troops in the areas with a fairly strong Maoist presence. And a whole episode of violence against adivasis is unfolding. This is a region that has been outside the vision of development. These districts are characterised by extremely low levels of education, high levels of malnutrition and near non-existent health-care. Without exception, adivasis in the Scheduled V areas die with fatal regularity season after season of totally preventable and treatable diseases and the government has never cared. Governments have consistently failed to respect the Fifth Schedule mandate in letter and spirit, and the adivasis' right to land, forest and other natural resources in their region. Protective legislation for the adivasis has been mocked at and not seen any sincere implementation.

That is why the statement by former Union Home Minister Chidambaram in the initial days of the massive launch of security forces (referred to as Operation Greenhunt in the media) in this region that their "intention is to usher in development in these areas after re-establishing the rule of law" sounds utterly hollow. Scheduled V areas where the Maoists have no presence, and there are many such vast tracts, have never seen a whisper of development. Yet, this hypocrisy by a senior minister is taken by most otherwise intelligent and sensitive commentators as gospel truth. The silence

that follows this acceptance is precisely the social legitimacy that the government needs for its brutal counter-insurgency campaign.

Human Rights Forum feels strongly that society must speak out against this violence being inflicted on the poorest of the poor. This report will focus upon the impact on the lives of civilians as a result of these security operations. We will therefore not be dwelling upon incidents of alleged exchange of fire in which members of the Maoist armed squads have died. Though even here, in most cases the Maoists have been chased, surrounded and shot dead by the special forces as if they are wild game. And the Maoists have also killed members of the security forces in large numbers. To mention two instances: On April 6, 2010, Maoists killed 75 policemen/CRPF men in a brutal ambush near Chintalnar in the former Dantewara district and on June 29, 2010, 29 CRPF men were killed in a Maoist attack near Dhudhai in Narayanpur district of Chattisgarh.

It is not our case that the police must remain silent in the face of violence committed by the Naxalites. The police do have the responsibility to respond to it but they must do so within the ambit of the law and fully respecting people's rights. They cannot ride roughshod over these and commit murder, arson, torture and rape. This is precisely what they have been doing in the name of 'tackling Naxalism'. And this cannot be allowed to go on. If our democracy is to have any substantive meaning, this inhuman policy must end. And a lot of patient work by human rights organisations and other democratic forces is required to make the government see sense and jettison these methods. This report is a small contribution towards creating opinion in favour of such a democratic response.

Continuity

Whatever other differences there might be between the UPA and the NDA, and there are really not many, there is a predictable continuity in the policy towards the Naxalites. The emphasis now is on flooding districts of South Chattisgarh with even more troops. The government has also decided to redeploy the notorious Naga Indian Reserve Battallion and has also posted officers like SRP Kalluri, known for open contempt of lawful procedure, as IG, Bastar Range.

Union Home Minister Rajnath Singh, while addressing personnel at the Rajasthan Police Academy in Jaipur on September 3, 2014 recalled that when he was Chief Minister of UP (from 2000 to 2002), he had assured the State's police officers and staff that they would not be bothered by the Human Rights Commission when 'taking on' Maoists! In other words, counter-insurgency operations would be unimpeded by issues of human rights, the law and the Constitution! Parallel to the stepping up of this "security" approach is the systematic reintroduction of the communal politics of the BJP and its associates. The recent announcement that "non-Hindus" would not be allowed into villages in Bastar is a pointer to this.

Arson, Murder and Sexual Assault

Morpalli, Thimmapuram and Tadmetla

Fact-finding by rights organisations, particularly when related to violence by the police and paramilitary forces, is in any case fairly risky work. To elicit facts in the thick forests of South Chattisgarh where the Maoists and the State and its various instrumentalities are pitted against each other is even more difficult. Activists, lawyers, documentary film-makers, researchers and even journalists have been intimidated, harassed, detained and physically disallowed access to this area. A trip into these parts is also physically arduous business. Given the possibility of being prevented from reaching the area where the police excesses have taken place by motorable routes originating within Chattisgarh, most fact-findings by rights organisations into Sukma and Bijapur districts and even Dantewara district begin in Khammam district of neighbouring Telangana. The terrain, once the black topped or semi-pucca roads end as one crosses the state border, is demanding and the journey gruelling. An expert driver in a four-wheel jeep is only that much help. A journey in the month of April 2011 to Tadmetla village in Konta Block of Sukma district, about 25 km in all, took us over 9 hours!

In the preceding month, over a five-day period from March 11 to 16, a combination of personnel of the Koya Commandos, CoBRA (Combat Battalion for Resolute Action) and Special Police Officers (SPOs) created mayhem in three villages. They raided Morpalli, Thimmapuram and Tadmetla on March 11, 13 and 14 and March 16 respectively. The attackers killed three adivasi farmers, sexually assaulted three adivasi women of Morpalli and Tadmetla and set on fire over 290 houses: 207 in Tadmetla, 33 in Morpalli and over 50 in Thimmapuram. We could not visit Thimmapuram, but we managed to speak with residents of that village as they happened to be at Tadmetla during our visit.

Security forces and Koya Commandos, numbering well over 200 and dressed in uniform as well as in plainclothes descended on Morpalli on the morning of March 11. On seeing them from a distance, the adivasis fled into the forest. Madvi Imle, who was working her field, was unlucky. The security men caught and beat her, stole Rs. 10,000 she had on her person and sexually assaulted her in front of her young daughters. The raiders also caught hold of Madvi Ganga, aged about 45, his son Bhim and daughter Bime. They were tied in the main village, abused and beaten up for "supporting the Maoists".

All through this, the attackers set on fire houses. In all, 33 dwellings were razed that morning at Morpalli. (This village, incidentally, was earlier torched by the Salwa Judum in the summer of 2007). This 'torching policy' finds favour in almost all counter-insurgency operations. The intention is not only to kill, rape and terrorise but to render the inhabitants destitute. This was strikingly reminiscent of the mass arson committed by the government of NT Rama Rao in AP way back in May 1987. Over a period of two days, the police burnt over 413 houses in 46 adivasi habitations in the Chintapalli and GK Veedhi mandals of Visakhapatnam district. Most of the residents belonged to the Kondh community, administratively listed as "primitive tribal group". They were perceived as being a solid support base of the Naxalites at the time and the government made no secret of the fact that this was their policy to "flush out and teach the Peoples War (as the Maoists were then known) a lesson." And nearly 20 years later there is a replay across the forests of South Chattisgarh. The difference this time around is that it is by a combination of Salwa Judum criminals and special police forces.

To come back to Morpalli, on their way back, the security forces shot dead Madvi Chula, aged about 35, on the outskirts on the village. He was shot dead while on a tree and his body left hanging there. As is the usual practice, the policemen also stole several hens from the village.

Ganga and his children were taken to the Chintalnar police station which has jurisdiction in the area. While he and his son were beaten, Bime was separated from father and brother and sexually assaulted. The three were later let off.

On the afternoon of March 13, Koya Commandos as well as security personnel numbering over 200, possibly the same group that raided Morpalli, descended on Thimmapuram. They had with them two captives Badse Bhim and Mannu Yadav, both

aged about 40 and residents of Phulanpad village who they had picked up en route. The security forces questioned a few villagers about the presence of Maoists and then spent the night in the village. They were leaving the next morning when a Maoist armed squad attacked them. In the exchange of fire that ensued, three Koya Commandos and one Maoist died.

The Koya Commandos and security forces went back and stayed the night at Thimmapuram. Before leaving the next morning, they torched over 50 dwellings in the village and hacked to death with an axe Badse Bhim who was in their custody. Mannu Yadav was taken to Chintalnar police station and his body was found by his wife several days later near Chintalnar. The police have sought to pass this death as one of a "Maoist killed in encounter". The villagers believe he was liquidated by the police in cold-blood.

At the break of dawn two days later, security forces and the Koya Commandos attacked Tadmetla, the largest of the three villages, from several directions. Their number had swelled to more than 300 now and they went about systematically burning houses. Expectedly, the villagers ran for their lives but a few were apprehended by the forces. They were beaten, abused for "helping the Maoists" and



threatened with death if they continued to do so. Blows were rained on even children and the old. A total of 207 of the nearly 300 houses in the village were reduced to ashes in this arson. Madvi Joge, who tried to flee was set upon by Koya Commandos, beaten and raped. The assailants took away Rs 8000 and jewellery she had on her person.

Significantly, villagers of both Morpalli and Tadmetla were able to identify and name many of the SPOs who took part in the attacks. Among them are Madkam Bhima of Junaguda, Sodi Dasru of Millampalli, Telam Nanda of Lakkapaar, Ramlal Barse of Budgal, Telam Kosab and Mukesh Aimla of Nagaram, Sodi Dasru and Karti Singa of Millampalli, Kiche Nanda of Dornapal and Katram Surya of Misma (these two are accused in several criminal cases including charges of rape and declared absconding by the police), Vanjam Deva of Sirpuguda, Madvi Chona of Thimmapuram and a woman SPO Payake of the same village and Oyam Kapil of Gaganpalli.

While there was no evidence of starvation in the village, there was clearly impoverishment and destitution rendered acute due to the burning of their granaries by the security forces and Koya Commandos. There was scarcity of food and relief was urgently required. The government, either by neglect or as part of a deliberate policy has all but abdicated its welfare function in these villages.

On its part, the Chattisgarh government maintained the bizarre fiction that it was the Maoists who had burnt the houses of adivasis in the three villages. Residents of Tadmetla narrated in detail all that had happened to the Chattisgarh Governor, Chief Minister and Home Minister when they visited the village on April 2, yet the government continued to lie shamelessly. The brazen manner in which the SPOs commit illegalities is evident in the manner in which several SPOs resorted to robbery and stealing food from residents of Tadmetla even as the Governor and CM were talking with the people there and distributing rations.

During our visit, we also tried to determine the veracity of media reports that six adivasis of Morpalli had died due to starvation following the attack by security forces on March 11. Morpalli villagers told us that three residents of the village, all aged above 60 died in the forest in the days following March 11. They said the three, two

men and a woman, had fled upon seeing the forces entering the village. The three, Nupe Rajulu and Madvi Jogalu (men) and Madkam Bhime (woman) had died on the 14th, 15th and 16th of March respectively. The villagers said they died because unlike the young they had got lost and could not obtain water or food while hiding. They were later cremated on the village outskirts. These deaths would not have taken place if not for the attack on Morpalli and the government has to bear responsibility.

While there was no evidence of starvation in the village, there was clearly impoverishment and destitution rendered acute due to the burning of their granaries by the security forces and Koya Commandos. There was scarcity of food and relief was urgently required. The government, either by neglect or as part of a deliberate policy has all but abdicated its welfare function in these villages. The adivasis were therefore unable to access basic amenities through government schemes. Moreover, obtaining clean water was a problem—most, if not all, of the few bores that are operational in the area were fast drying up with the approaching summer. In fact, the area (particularly Tadmetla) has had an outbreak of gastro-enteritis due to consumption of unsafe water the year before resulting in over 20 fatalities.

The government did dole out a pittance two weeks later but SPOs who had participated in the attacks all the while brazenly prevented relief supplies being sent by the district administration from reaching Tadmetla and also stopped a team of Congress legislators during the last week of March. For weeks on end they managed to even prevent media and social activists like Swami Agnivesh to reach the villages.

In a landmark judgment on July 5, 2011 that held the State-sponsored Salwa Judum to be illegal, the Supreme Court also said: "We order the CBI to immediately take over the investigation of, and take appropriate legal actions against all individuals responsible for the incidents of violence alleged to have occurred in March 2011, in the three villages, Morpalli, Tadmetla and Thimmapuram, all located in the Dantewara District or its neighbouring areas." The court also took strong exception to the alleged use of SPOs and members of Salwa Judum in the attack on Swami Agnivesh and ordered the CBI to inquire into the incident as well.

The manner in which officers of the nation's premier investigative agency were treated by the Salwa Judum is instructive. When a CBI team visited the area in September, the SPOs (by then renamed as Chattisgarh Armed Auxiliary Force)

attacked it and even manhandled the Sukma superintendent of police who tried to intervene and stop them!

In an affidavit filed in the Supreme Court subsequently, the CBI has sought protection from the SPOs for its team. The affidavit stated in detail the manner in which the CBI officers were attacked by a mob of SPOs at Dornapal and were eventually rescued by the CRPF and flown to Raipur in a helicopter. It asked for: "adequate safety and security arrangements for the CBI team" so that the inquiry under orders of the apex court "can be complied with and the lives of CBI officials, performing their duties, in compliance of the court orders are not exposed to danger again"!

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A Landmark Judgment Held in Contempt

In a July 5, 2011 judgment that was widely welcomed by democratic public opinion in India and outside, the Supreme Court (SC) declared as illegal and unconstitutional the deployment of tribal youths as Special Police Officers - either as 'Koya Commandos', Salwa Judum or any other force in counter-insurgency operations and ordered their immediate disbanding. The judgment was delivered by Justice B. Sudarshan Reddy and Justice Surinder Singh Nijjar on the writ petition filed by Nandini Sundar, EAS Sarma, Ramachandra Guha and others, (Writ Petition (Civil) No (S). 250 of 2007).

Referring to the SPOs, who numbered about 6500, the SC asked the State of Chattisgarh to "immediately cease and desist from using [them] in any manner or form." The Union was also barred from funding the project; all arms were to be recalled; the SPOs were to be given appropriate security; and, most important, the State of Chattisgarh was asked to ensure that no private group is engaged in counter-insurgency activities. Finally, the Court ordered the Central Bureau of Investigation (CBI) to investigate alleged acts of violence.

While holding that the mandate of SPOs under the State law was to help people in situations arising out of natural or man-made disasters, and to assist other agencies in relief measures, the court said, "in the case of SPOs in Chattisgarh, they represent an extreme form of transgression of constitutional boundaries."

In a powerfully articulated order, the SC attacked the State's 'amoral' economic policies and the "culture of unrestrained selfishness and greed spawned by modern neo-liberal economic ideology." It held that this in turn promoted "policies of rapid exploitation of resources by private sector without creditable commitments to equitable distribution of benefits." The SC critiqued what it described as a "bleak and miasmic world view propounded by the respondents" and indicted the State for claiming that anyone who "questions the conditions of inhumanity that are rampant in many parts of that State ought to necessarily be treated as Maoists, or their sympathisers". Stating that no conflict takes place in a normative void the SC pointed out "the problem rests in the amoral political economy that the State endorses, and the resultant revolutionary politics that it spawns."

Instead of initiating measures to prosecute those who had violated human rights, it issued an ordinance creating a "Chattisgarh Armed Auxiliary Force" and absorbed the SPOs into regular employment. Instead of disbanding them, they were regularised, given more sophisticated arms and their salaries hiked four-fold.

The Court held the view that effectiveness of the force "ought not to be, and cannot be, the sole yardstick to judge constitutional permissibility. Whether SPOs have been effective against Maoist/Naxalite activities in Chattisgarh would seem to be a dubious, if not a debunked proposition given the state of affairs in Chattisgarh. Even if we were to grant, for the sake of argument, that indeed the SPOs were effective against Maoists/Naxalites, the doubtful gains are accruing only by the incurrence of a massive loss of fealty to the Constitution, and damage to the social order."

The Bench said: "The primordial value is that it is the responsibility of every organ of the State to function within the four corners of constitutional responsibility. That is the ultimate rule of law."

In fact, the Court took the consistent stand during the course of the hearings that governments could not arm civilians to carry out counter-insurgency operations. The SC also directed the Chattisgarh government to investigate "all previously inappropriately or incompletely investigated instances of alleged criminal activities of Salwa Judum or those popularly known as Koya Commandos", to file appropriate FIRs and diligently prosecute the guilty. The Court ordered that all schools occupied by security forces must be vacated.

None of this has happened, despite the highest court in the land stating unambiguously what needed to be done. The Chattisgarh government refuses to even acknowledge the terrible crimes of the Salwa Judum. Instead of initiating measures to prosecute those who had violated human rights, it issued an ordinance creating a "Chattisgarh Armed Auxiliary Force" and absorbed the SPOs into regular employment. Instead of disbanding them, they were regularised, given more sophisticated arms and their salaries hiked four-fold. They continue to pose a real threat to the local people. As the petitioners have pointed out, "[The SPOs] are the ones to benefit the most out of our petition. This would be fine in terms of giving them security, but for this to be constitutional, the guilty ones among them have to be taken to task. Otherwise, what you have is the regularisation of criminals."

On August 23, 2013 a two-judge bench of the Supreme Court asked the Chattisgarh government to show cause why contempt proceedings should not be initiated against it for its failure to carry out its directions of July 5, 2011. This was in response to a contempt petition that alleged that the State government had not complied with many of the SC's directions. The petitioners stated that the Chattisgarh government was negating the Court order with impunity.

The Slaughter at Sarkeguda and Edesmetta

Sarkeguda

On the night of June 28, 2012, 17 adivasis, among them 6 minors including a 12 year old girl, were killed as a result of unilateral firing by CRPF forces. The deceased belonged to the villages of Sarkeguda, Kottaguda and Rajpenta, in Bijapur district.

Despite being grouped in different panchayats, all three villages are small settlements located close to each other and in the jurisdiction of the Basaguda police station which is located about a km away. There is a CRPF camp at about three km from the three villages. While Sarkeguda with 25 households and Rajpenta (12 households) are in Korsagudem panchayat, Kottaguda with 30 households is in Cheepurupatti panchayat. Most residents of the three villages belong to the Dorla Koya tribe.

About 60 adivasis of these three villages assembled from around 8 pm on June 28 in an open area between Sarkeguda and Kottaguda. There were men, women and children in the gathering. Such meetings where decisions have to be taken collectively are usually held during the night since adivasis are busy with work most of the day. As



the sowing season was upcoming, the meeting was held to discuss several issues related to farming including fixing the date for Beeja Pandum, the festival of seed sowing, (this was to have taken place a few weeks earlier but was delayed because the pujari who conducts the ritual had died), distribution of land for tilling, lending help to households headed by widows and families who were without cattle, deciding the amount of rent for using the new tractor they had purchased and matters related to raising fish. Arrears of Rs 10,000 due to the adivasis since two years for *tendu* leaf collection were paid only recently and they also wanted to discuss what use to put it to. It was a fairly cloudy night and visibility was poor. All those in the gathering were adivasi residents of the three villages and unarmed.

While the meeting was going on, a large contingent of CRPF personnel and CoBRA (Commando Battalion for Resolute Action, a specialised anti-naxalite unit of the CRPF) commandos numbering well over a hundred cordoned off the area. About two hours into the meeting, at about 10 pm the police opened fire upon the assembly without any warning. The first burst of gunfire was from towards the west and it hit three adivasis who died instantly. This was quickly followed by firing from three other directions. Terrified villagers began screaming and running. Most ran towards their respective villages. Some tried to hide in a hay-storing enclosure. Those who were fleeing for their lives were also fired upon. The firing continued for about 30 minutes after which, as if to survey the dead, the CRPF forces fired two flare guns that lit up the area. The forces stayed on in the area.

The CRPF, clearly, had surrounded a peaceful gathering of adivasis, none of whom carried any firearms and fired upon them indiscriminately without any warning. As a result of this firing, 16 adivasis died -- 15 that night and Irpa Suresh (15) in Bijapur hospital the next day. Six of the dead were minors, including a 12 year old girl Kaka Saraswati, daughter of K Rama. She was hit while fleeing towards her house in Kottaguda. Of the other five minors, two -- Kaka Rahul (16) and Madkam Ramvilas (16) -- were studying in class 10 at a school in Basaguda. Both stayed at a hostel in Basaguda and had come home during the summer vacations.

It was plain slaughter that night near Sarkeguda.

According to the villagers, those who did not die from the bullet wounds were killed by the police with axes they picked up from the village itself. Several eyewitnesses from outside the village, including media persons who saw the bodies before they

were cremated, referred to some of them as having been brutalised with deep hacking cuts on the chests and foreheads.

The 17th victim of this senseless butchery was Irpa Ramesh, husband of I Lachmi and father of three children. After the firing began, he ran and made it to the safety of his house and stepped out at dawn at about 5 am to survey the area. He was fired upon immediately and though he was hit, managed to get back inside his house. The CRPF men followed him in and clobbered him to death with a brick in front of his family members. According to Ramesh's father Irpa Raju, the CRPF men also stole Rs 5,000 from their house. The same night the police also stole Rs 30,000 from Irpa Narayana's house in Rajpenta as well as Rs 2,000 from the house of Madkam Nagesh.

Those killed in Kottaguda:

1. Kaka Saraswati (12), daughter of K Rama

2. Kaka Sammayya (32), farmer, husband of K Nagi.

3. Kaka Rahul (16), student of Class 10 at Basaguda, son of K Narayana.

4. Madkam Ramvilas (16), student of Class 10 at Basaguda and classmate of Kaka Rahul, son of M Butchaiah.

5. Madkam Dileep (17), studied up to Class 8 at Pamed, assists his father M Muttaiah in farming.

6. Irpa Ramesh (30), farmer, husband of I Lachmi, father of three children.

7. Irpa Dinesh (25), farmer, husband of I Janaki, father of four children, is younger brother of Irpa Ramesh.

8. Madkam Nagesh (35), farmer, also a professional dholak player who performed during festivals, husband of M Sammi, father of two children. His wife was at that time pregnant with their third child.

9. Madkam Suresh (30), farmer, husband of M Sammi and father of two children, is younger brother of Madkam Nagesh.

10. Irpa Narayana (45), farmer, husband of I Narsi, father of four children.

Those killed in Rajpenta:

11. Irpa Dharmayya (40), farmer, husband of I Bheeme, father of five children.

12. Irpa Suresh (15), studied up to class 5, son of I Chandrayya. Died at Bijapur hospital on June 29.

Those killed in Sarkeguda:

13. Sarke Ramanna (25), farmer, husband of S Somulu, father of three children.

14. Apka Meetu (16), son of A Sukhram, helps his father in farming.

15. Korsa Bichem (22), son of K Gutta, worked earlier for a borewell firm at Hyderabad, came home a month ago to help his family in farming.

16. Kunjam Malla (25), farmer, son of K Lakmadu.

17. Madvi Aithu (40), farmer, husband of M Kamli and father of four children.

Six adivasis were injured in the firing. Four of them, Kaka Ramesh (11) and Kaka Parvathi (10), Irpa Chinnakka (40) and Abka Chotu (16) were admitted to hospitals in Bijapur and Jagdalpur and returned home several days later after treatment. Madkam Somayya (30) and Kaka Senti (19) were shifted to a hospital in Raipur and discharged after several weeks. Among the injured Kaka Ramesh (13) and his younger sister Kaka Parvathi (11) escaped narrowly. After the firing began, they ran in the direction of their house in Kottaguda and sustained bullet injuries on their left arms. Irpa Munna (26) and Sarka Pullaiah (20) who were also injured were not taken to the hospital by the CRPF. They



Kaka Parvathi, who was shot in her left arm

were treated with traditional medicine by their fellow adivasis in Sarkeguda and Kottaguda respectively. A few cattle also died in the firing.

The CRPF men camped in the ground that night and took away 15 of the dead to Basaguda the same night and Irpa Ramesh in the morning. Apart from the injured, they also took along with them about 25 villagers who were let off in the evening. The adivasis went to Basaguda the same day and demanded that the bodies be handed over. The police did so towards evening and the villagers performed their funeral the next day. While some were cremated, others were buried. The body of Irpa Dinesh was not returned to the village since, according to the police, he was a Maoist. His body was buried near the police station at Basaguda.

Flouting standard norms, the CRPF men not only carried away the bodies but also scooped away the blood-stained ground beneath the bodies. The Bijapur superintendent of police has gone on record saying that "proper post mortem was conducted by a team of doctors at the Basaguda thana and a report is being prepared". However, the villagers are unanimous that no post mortem was carried out, a fact corroborated by several reporters who saw none of the tell-tale marks that show on the body after a post mortem procedure.

According to the villagers, on the morning of the 29th, CRPF men dragged two women to the fields nearby and tore their clothes. Three other women were also abused, beaten up and threatened with rape.

Attempts at Cover-Up

While these are the plain facts, the police establishment -- from the Bijapur SP to high-ranking officials in the CRPF - adopted a peculiar logic while explaining away the massacre. They sought to portray the carnage on adivasi civilians as one of a prolonged exchange of fire with dreaded Maoists resulting in the deaths. Injuries sustained by six CRPF and CoBRA commandos were repeatedly pointed out. The cover-up went straight to the top. These lies were duly echoed by the political class headed by then Union Home Minister P Chidambaram. Broadly, the initial assertion was that an "Operation Silger" was planned several weeks ago and three teams of the CRPF and CoBRA personnel had planned to converge in an area where they had

"intelligence inputs" of a big Maoist gathering. Even before the CPRF men could reach there, they came upon a congregation at Sarkeguda and before they could verify matters, they were fired upon because of which the CRPF men resorted to firing in "self-defence" resulting in the death of many Maoists. According to IG (Operations), CRPF Pankaj Kumar Singh: "a full-fledged Maoist training camp was being run there and the arrangements were such that if attacked they could wrap up everything and leave in 10 minutes. We have recovered IED's, lot of literature, polythene tents, solar cells and muzzle loading guns."

That this version was a brazen falsehood to explain away a horrible crime was evident to anyone who visited the area and spoke with the adivasis. The plea of self-defence is a favourite invocation by the police and paramilitary forces to explain away extra-judicial killings. There was no exchange of fire and the firing was completely one-sided, emanating only from the side of the special forces. It was unannounced and unprovoked.

The injuries to six CRPF and CoBRA personnel on that night were repeatedly cited by CRPF officers to buttress their argument of a genuine encounter. There were dozens of bullet marks on trees around the area where the adivasis had assembled as well as bullet marks on some houses indicating that the adivasi gathering was fired upon from all directions. It is entirely plausible that the six personnel sustained the injuries because of the firing by their colleagues from the other sides. The villagers themselves were of the firm opinion that the six CRPF and CoBRA men were caught in their own crossfire. All adivasi residents were emphatic that there were no Maoists present in their gathering and all of those attending the meeting that night were unarmed.

Following reports in the national media that there were a number of civilians, including minors, who were killed, the official version was toned down a few days later, but the basic argument of armed Maoist presence at the meeting and a bona-fide encounter were insisted upon. The CRPF then began to put out the story that seven of the deceased -- Madkam Suresh, Madkam Nagesh, Madvi Ayatu, Kaka Sammayya, Korsa Bijje, Madkam Dilip and Irpa Narayana were Maoists and that there were several cases of violence of a serious nature lodged against them in various police stations across Chattisgarh. In a macabre take on the death of adivasi civilians, Chattisgarh Chief Minister S Raman Singh said that the Maoists had used the adivasis

as human shields while escaping and were therefore responsible for the death of civilians!

Soon after, the more intelligent among the security establishment launched a discourse about "unfortunate collateral damage" and how that may be minimised in such engagements in future. Pertinently, there was no way that the CRPF and CoBRA men could have made out the presence of armed people in the gathering on a cloudy night and from the distance they were located at -- about 100 metres away. They surrounded the gathering and began firing with murderous abandon. Even if the claim of the CRPF that they were fired upon and were only retaliating is true, there is absolutely no justification whatsoever in unleashing fire on a gathering of a large number of civilians.

While in the earlier phase of State brutality on adivasis, the common word one heard was that the "judum have done this", now people say "the forces are now causing us a lot of problems" alluding to the CRPF and other paramilitary and special police that have been pumped into the area in large numbers over the past two years.

Over many years, terrible violence has visited the area. In particular after a combination of the police and criminal Salwa Judum vigilante gangs were let loose on the adivasis in the then Dantewara district since 2005. In a six-month long reign of terror, residents of all three villages had then faced attacks by Salwa Judum gangs, have had their houses looted and almost all of them burnt as a consequence of which they migrated, many of them to Khammam district in neighbouring Telangana. Two adivasis, Madkam Billa and a minor Korse Bheema of Sarkeguda were also killed by the police at the time. In fact, the adivasis had returned about three years ago and were in the process of rebuilding their lives when the June 28 massacre happened.

In many villages of Korseguda and Cheepurupatti panchayats, adivasis recount innumerable instances of police harassment. While in the earlier phase of State brutality on adivasis, the common word one heard was that the "Judum have done this", now people say "the forces are now causing us a lot of problems" alluding to the CRPF and other paramilitary and special police that have been pumped into the area in large numbers over the past two years. The forces, they say, come and position themselves near the villages in the night and fire in the air. "They do this to

see if any one comes out and runs so as to kill them." People of Korseguda, Cheepurupatti and other nearby panchayats go to Basaguda to purchase supplies and also sell some of their produce. "But only the women go since the men will invariably be taken in by the police at Basaguda, questioned, abused, beaten and sometimes detained for weeks on end. The men started staying away after some of them were booked in false cases."

During the fact-finding, we noticed several groups of heavily armed CRPF men in the forest. They viewed us suspiciously but did not intervene in any manner. Their presence, after having been responsible for the blood-shed a week ago, works against normal and fearless functioning of life in the area. Referring to the announcement by the Chattisgarh government of a judicial inquiry into the incident, the adivasis said it would only have any meaning if the inquiry was held in the village itself.

Amidst this inhumanity, a heartening defiance among the adivasis was evident. Unlike during the horrendous mayhem of the early salwajudum, the adivasis are not considering leaving their villages anymore. Instead, there is a strong sense of the injustice done to them and an urge for redressal.

Amidst this inhumanity, a heartening defiance among the adivasis was evident. Unlike during the horrendous mayhem of the early Salwa Judum, the adivasis are not considering leaving their villages anymore. Instead, there is a strong sense of the injustice done to them and an urge for redressal. During our visit, we were witness to relief sent by the government being rejected outright. The SDM of Bhoopalapatnam RA Kuruvanshi had arrived in several vehicles with supplies of rice, dal, clothes and some utensils. Angry villagers virtually shouted him and other officials out of Kottaguda. "You kill our children and now you want to help?" "We are Maoists are we not? Have you come here to give Maoists these supplies?"

In the normal course, all CRPF and CoBRA personnel who participated in the operation near Sarkeguda village on the night of June 28 should have been charged under Section 302 of IPC relating to murder, sexual assault and other relevant provisions of the penal code as well as provisions of the SC, ST (Prevention of Atrocities) Act 1989 and prosecuted. To ensure a fair and competent investigation,

the case ought to have been handed over to the CBI. These are not pipedreams but requirements of the law. Needless to add, none of this has happened.

A judicial inquiry headed by justice (retd.) VK Agarwal was announced by the Chattisgarh government in July after a week of outrage at the killings. The Commission's office is located in the State capital of Raipur, almost 500 km away from Sarkeguda. The office for the Commission was only allocated five months later. The notification was in November and no effort was made by the government to communicate the matter to the adivasi residents of the three villages in question. Expectedly, the Commission is yet to start its work in earnest.

Edesmetta

Less than a year later, eight adivasis were gunned down in a remote forest village Edesmetta, also in Bijapur district. Located in Burgil panchayat and in the jurisdiction of the Gangalur police station, Edesmetta has 67 households located in six paras (hamlets). The village is in the midst of lush forest and about a two-hour walk up a few hillocks from Gangalur, the nearest motorable point.

On the night of May 17, 2013, adivasis of Edesmetta were performing Beeja Pandum, the seed festival normally held at that time of the year before the rains arrive and sowing begins. Over a 100 adivasis had gathered around a small structure containing their deities known locally as 'gaama'. The Beeja Pandum on May 17 (Friday) was the last of the four-day long festivities that were held during the evening-night. The adivasis had congregated at the place which is an open field and about a 10 minute walk from the village. The area is ringed on all sides by fairly thick forest. That the adivasis were unarmed civilians would have been clear to the naked eye from a distance since they had going a large fire.

A huge contingent of security forces from Gangulur consisting principally of CoBRA commandos numbering about 150 personnel surrounded the area from three sides. The CRPF men initially caught hold of three young men Punem Sukku, Karam Budra and Karam Lakhma who were going towards a chelimi, a water hole, to drink water and also fetch some for the others gathered at the festivities and roughed them up. The terrified three, however, managed to wriggle out and ran into the forest in the

direction away from the gathering. The villagers noticed the presence of the CRPF men when the three young men started running. They stopped dancing and almost immediately the CRPF started firing at the gathering. It was about 10 pm.

The initial burst of firing was from the north and it hit Karam Somlu (35), Punem Somu (30) and the Beeja Pandum pujari/priest Karam Pandu (37). They died on the spot. As soon as they heard the shots and saw these men falling, the adivasis began to scream and run with most of them heading south towards the village. The firing continued, this time from the west killing four minor boys Karam Guddu (10) Karam Masa (16), Karam Badru (8) and Punem Lakku (15). It is entirely credible that the CoBRA constable Dev Prakash, who also died, was hit by the gunfire unleashed by his colleagues from the west. His body lay next to that of Karam Masa's. Villagers of Edesmetta stated convincingly that there were absolutely no Maoists in the area and the CoBRA constable was hit in the same burst that felled Masa.



Site of massacre in Edesmetta

In fact, a few adivasis who managed to survive this massacre and were hiding in the bushes or behind some boulders said they overheard some of the CRPF men shout "stop firing, one of our men has been hit". After the firing stopped, the CRPF lit up the area with flare guns. They also slapped and beat up a few adivasis. They left about an hour later carrying with them the bodies of Karam Masa and the constable Dev Prakash. They also took away three survivors Karam Aiytu, Karam Manga and Karam Lachhu. All three were beaten en route Gangalur and at the police station also.

Karam Soma (35) managed to survive as he ran quickly and hid behind a boulder pretending he was dead. Karam Joga, who was hit by a bullet, fell close by. Joga pleaded for water a few times and then passed away. After the firing stopped, the CRPF men found Soma and beat him up before leaving.

Contrary to the habitual police version of an encounter with dreaded Maoists, there was no exchange of fire at Edesmetta on that night. It is certain that the eight adivasis, all of them male, and the CRPF constable died as a result of indiscriminate and unilateral firing by the CRPF. None of the deceased eight adivasis are Maoists as the police initially claimed. The eight did not die because the Maoists used them as human shields as an improvised police version put out a day later stated. They were killed in gunfire unleashed by a specialised anti-naxalite unit of the CRPF. There was no provocation whatsoever for the firing. Four more adivasis including a minor were injured in the firing. This callous brutality is chillingly similar to the butchery at Sarkeguda.

Those killed in this senseless carnage are:

- Karam Pandu (35), the village pujari.
- Karam Somlu (35) husband of Somli.
- Punem Somu (30), husband of Boodhi.
- Karam Joga (36), husband of Somli.
- Karam Guddu (10) son of Karam Pandu (killed in firing).
- Karam Masa (16), son of Karam Lachu and Somli.
- Punem Lakku (15), son of Punem Lakku (late) and Borru.
- Karam Badru (8), son of Karam Joga (killed in firing) and Somli.

Four injured Karam Somlu (40), Punem Somlu (20), Karam Somlu (25) and Karam Chotu (10) spent well over as day in pain before being shifted and given treatment at the Maharani Government Hospital in Jagdalpur.

As soon as news of the firing and death of their relatives reached the village, the women rushed to the spot. In fact, an old woman Karam Lakki reached the place even before the CRPF men had left. On seeing the bodies of the adivasis, she screamed at the CRPF. She was slapped a couple of times by them before they hurriedly left. After the other women arrived, they carried the eight dead bodies and the four injured back to the village.

Women relatives of Karam Masa and those of the three men picked up by the CRPF after the firing went to the Gangalur police station the next morning (May 18). They pleaded with the CRPF to let their men go. Masa's body was handed over to his mother after a post-mortem and the three were let off towards the evening.

The same day meanwhile, another large contingent of security forces came to the village from towards Cherpal. On seeing them, most of the adivasi men fled into the forest fearing they would be subjected to violence. Weeping women shouted at the CRPF men saying "you have butchered our men and children". The CRPF men, who were on their best placatory behavior, told the women that it was not them but another party from the Gangalur and Bijapur side that had taken part in the firing the night before. It took a long time for them to convince the women to allow them to shift the dead bodies for post-mortem. Many women from the village followed the CRPF men as the bodies were carried to Gangulur that evening.



Edesmetta villagers with bodies of the deceased outside the Gangalur police station

A post-mortem was conducted by a panel of doctors at the Community Health Center, Gangulur the next morning (May 19) after which the bodies were handed over to their relatives. Angry villagers, most of them women, then placed the bodies between the Gangulur police station and the CRPF camp located opposite it and abused the local police as well as the CRPF and threw stones at the police station. That adivasi women pelted stones on a police station in an area where even the

presence of the police is highly intimidating to the average citizen speaks volumes. The police merely watched on. Would they have been silent if their conscience was clear and there really was an exchange of fire? The women later took the bodies back to Edesmetta and cremated them the same evening.



Enraged woman of Edesmetta throwing a stone at the Gangalur police station

According to the villagers, on Monday (May 20), another huge contingent of the police went to the village. A few of the officers addressed the adivasis where the firing took place and apologised for what had happened on the night of May 17. In turn, the villagers told the police that they wanted those who were responsible for the killings punished.

The Usual Concoction

In the face of this terrible brutality, the security establishment continues to maintain the fiction that the Maoists had fired upon the CRPF men and the latter had to therefore, retaliate. In this version, the fact of the dead adivasis being unarmed civilians is conceded, but the averment is that they were felled by Maoist bullets or they were a tragic outcome of crossfire in which they were used by the retreating Maoists as "human shields".

The police version was that a special CoBRA unit from Gangalur en route Pidiya to launch an offensive against the Maoists came under hostile fire near Edesmetta village following which they retaliated in self-defence. While one of their men was killed in the fierce encounter, they managed to kill an extremist and apprehend three suspects. It was only the next morning that they discovered some bodies which could be those of civilians and had evacuated them for post-mortem. Even senior officials in the security establishment touted this falsehood initially. When media reports emerged that a number of civilians including minor boys were killed, the version quickly changed to 'Maoists used adivasi villagers as human shields to make good their escape.' Senior officials in Raipur maintained that the CoBRA was a specially

trained elite force and that the CRPF had put in place additional precautionary measures after the Sarkeguda incident last year. In effect, what is being conveyed is that the CRPF men exercise maximum restraint and only engage in exchange of fire. Civilian fatalities resulted because of Maoists firing recklessly while retreating!

These assertions fly in the face of facts. The plain truth was that the CRPF personnel opened fire without any provocation upon a gathering of unarmed adivasis celebrating a traditional festival. Edesmetta residents stated repeatedly that the CRPF men could easily ascertain that there were no Maoists in the area and that it was an unarmed gathering of villagers but they fired nevertheless. Several villagers who are still in grief and anger told us: "They want to finish us off. We are expendable."

Stating that the Beeja Pandum is one of the most important festivals of the adivasi calendar, Prof. Nandini Sundar of the Delhi University's Department of Sociology says: "The equivalent of what happened there [at Edesmetta] would be the police opening fire on a *garba* dance during Navratri in Ahmedabad, saying the presence of so many people at one place was suspicious. Yet, there has been little national outrage around Edesmetta."

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Attacked By Salwa Judum

Edesmetta village has been subjected to violence during the early months of the Salwa Judum campaign. In the winter of 2005, Salwa Judum vigilantes and the police raided and set the entire village on fire. Three adivasis Karam Budru, Karam Latchu and Karam Lakku were caught by the Salwa Judum on that day. They beat up and inflicted knife and axe injuries on all three. Budru and Latchu died but Lakku managed to survive. This is reflective of the brazen manner in which a combination of the Salwa Judum and State instrumentalities committed illegalities during that period. On that occasion, the adivasis got wind of the impending raid and fled deeper into the forest to save themselves. They managed to survive for about two years after which they

returned to the village and rebuilt their homes and lives. All of them are subsistence farmers who also go to the border mandals of Khammam district in neighbouring Telangana to work as farm labour during the mirchi/chilli plucking season for about 2 to 3 months every year.

In a tacit admission of guilt, the State government announced compensation of Rs 8 lakh to each family of the deceased adivasis of Edesmetta. The villagers of Edesmetta are in open contempt of this largesse. They told the HRF team: "We do not want this blood money. We want those responsible for killing our people punished". Apart from the mandatory magisterial enquiries, all that the Chattisgarh government has done in the face of public pressure is institute judicial probes. A judicial inquiry has been ordered by the State government to be headed by VK Agarwal who is also probing the Sarkeguda massacre of 28 June 2012. However, a judicial inquiry is no substitute for a criminal prosecution. The law of the land and the Constitution will not have it any other way.

Top brass in the CRPF as well as the Union Home Ministry who held forth creatively after the Sarkeguda carnage about re-examining and 'updating standard operating procedures for the security forces so as to avoid or minimize civilian casualties' are now maintaining a stoic silence. Meanwhile, the horrible violence and massacres at Tadmetla, Sarkeguda and Edesmetta have already begun fading away from public memory. They are in danger of being totally forgotten.

Atrocities on Adivasis on the Border

As we have stated earlier, the Chattisgarh Government, in its bid to weaken the Maoists, undertook the reprehensible task of clearing the forests of former Dantewara district of its habitations. It has encouraged persons who are opposed to the Maoists to arm themselves as a private army and function with impunity. This private army, called Salwa Judum, has caused immense havoc in adivasi habitations and forced residents to leave the forests and migrate to the roadside camps set up by the Government. Whole hamlets have been consigned to fire and people suspected of Maoist sympathies have been tortured and killed brutally. Unable to withstand this attack, thousands of adivasis, from the districts of Sukma, Bijapur and Dantewara have crossed over from Chattisgarh into Telangana, mainly into Khammam district with which Chattisgarh has a fairly long border. They have also gone across the Godavari river and settled down in the forests of Warangal district. A smattering is also present in Karimnagar district. Many of them are of the Gothi Koya community of Scheduled tribes (known in Chattisgarh as the Muria tribe), though the number of Koyas who migrated across is not insignificant. The Gothi Koyas are not, however, recognised as STs in Telangana or Andhra Pradesh (AP) and therefore do not get the protection that the law offers.

Some of these adivasis sought out kith and kin that had gone over to the Khammam forests in an earlier round of migration, but are nevertheless living precariously under daily threat of eviction by the forest department. They would then settle in existing hamlets. Others merely made a clearing in the forest and set up home. Some families moved into the plain areas of Khammam district seeking employment. Having no source of assured livelihood, they were exploited by civil contractors who found in them a desperate and therefore cheap source of labour. (On a campaign against a rash of thermal plants by the coast in distant Nellore district of AP in December 2011, we came across over 200 Gothi Koyas who had crossed over from the Pamed area of

Bijapur district and were working at dead cheap rates for a contractor who had picked them up from the Bhadrachalam area.)

The exact number of these Internally Displaced Persons (IDPs) as human rights law describes them, is not known since they are not inclined to announce their presence for fear of being targeted by the Salwa Judum or forest and police personnel. Estimates by organisations working for their welfare put the figure of these refugees at not less than 70,000. Typically, most of them who crossed over would cut down some forest and make home but would all the while be cowering in fear. Back in 2005-2006 many of them were simply starving. The government had an obligation to extricate these IDPs from their unusual circumstances and to ensure their security and fundamental human rights. This ought to have been the paramount concern, not harassment.

Earlier, the IDPs were constantly apprehensive that the Salwa Judum would seek them out. This fear was not unfounded since SJ leaders armed to the hilt and escorted by the then Andhra Police would do the rounds at the weekly shanties in places like Edugurallapalle and Chintur. They would not mince words about the fate that awaited those who supported the Maoists, but would also spell out the assurance that those refugees who wished to come back to the government-sponsored roadside camps would be treated well. An assurance that no Gothi Koya IDP believed.

The exact number of these Internally Displaced Persons (IDPs) as human rights law describes them, is not known since they are not inclined to announce their presence for fear of being targeted by the Salwa Judum or forest and police personnel... The government had an obligation to extricate these IDPs from their unusual circumstances and to ensure their security and fundamental human rights. This ought to have been the paramount concern, not harassment.

In the initial years, groupings of Gothi Koya habitations would be cruelly set upon by the forest and police personnel of the then AP. They would be burnt or destroyed and the adivasis told to leave and go back to Chattisgarh. Occasionally, criminal cases were also filed against them. The displaced adivasis also had poor access to basic needs and given the conflict-ridden background of their migration, they were in no

position to demand rights from the government. Women and especially children had precarious nutritional levels. To stop this violence by the forest department and various other minions of the then AP government and to better the lot of the IDPs was a task in itself both for HRF and several concerned individuals and NGO's working in the area. The point was made that it was inhuman to treat an entire adivasi community as if they were criminals possessing no rights whatsoever. Though there has been improvement in the lot of the IDPs since the terrible years after 2005, this undemocratic attitude continues to dominate official thinking in Telangana and AP.

Initially, the survival needs of the IDPs were met through humanitarian relief. Efforts were made to convince the government to take steps so that the Employment Guarantee Programme was extended to the IDPs through issuance of job cards to them and enrolling their names for the purpose of the programme. The point was made that the IDPs would not on their own file applications for the job cards, even if the programme was made known to them, because they were in fear of being forcibly deported back to Chattisgarh if they made known their presence. Though there is no law which permits such deportation, it was well known by then that adivasis of Chattisgarh who had in the past crossed over to Khammam in search of livelihood and put up huts on the forests have had their houses burnt so as to force them to go back to Chattisgarh. Sympathetic officials were approached and impressed upon that the Employment Guarantee Act nowhere stipulates that the beneficiary ought to be a local resident.

As a result of these efforts there has indeed been an improvement in the lives of the IDPs. Their food and water security has improved and they are able to access health and other government services. Their lot is improved now though occasionally their hamlets continue to be targeted by the forest department personnel. However, a lot more needs to be done. At a basic level the IDPs right of access to forest cultivation and produce is to be ensured. Moreover, there is no national policy in the country that specifies and ensures legitimate rights to such conflict induced IDPs. And most importantly, the long-term task of ensuring that these people, who have had to face immense indignity, violence, insecurity and hardship are able to safely return to their homes with their lands restored and their rights duly recognised and respected. As we stated in a December 2006 report of the HRF titled *Death, Displacement and Deprivation -- The War In Dantewara*: "But there is a more immediate reason for demanding complete cessation of violence by all sides. This is the need to create

conditions for all the displaced adivasis to get back to their hamlets and live as they did in the past. It cannot be said too often or too forcefully that the tragedy of Chattisgarh is a tragedy of massive and forced displacement of adivasis: displacement into the roadside camps, displacement into Khammam district of Andhra Pradesh and displacement into the interiors of the jungles of Dantewara." That task still remains.

A Shift in Harassment Methods

There has, however, been a shift in methods of State persecution of these adivasis over the past few years. While forest personnel continue to harass them, it is the police who are their principal tormentors now. Bringing to light this arbitrary violence on the adivasis by the police has been an abiding task of the HRF over recent years. And we have had our hands full seeking out facts from adivasis resident in the border mandals of Chintur, Bhadrachalam, Dummugudem, Cherla, Venkatapuram and Wajedu in Khammam district. This harassment is not confined to only the Gothi Koyas. The Koya community, not necessarily all of them IDPs, has also been at the receiving end of police brutality.

For instance, over several weeks in the winter of 2012, adivasi residents of Kalipaka, Kothagumpu, Tippapuram, Mutharam and Penkavagu; all in Alubaka panchayat of Venkatapuram mandal and bordering Chattisgarh were subjected to repeated raids by the police. In the course of what the police term "anti-naxal combing operations", they would pick up adivasis in night-time raids from their homes. They were routinely held in illegal custody beyond the permissible 24-hour limit.

Local residents as well as functionaries of various political parties and mass organisations in the area described to HRF teams in some detail the frequent illegalities being committed by the Cherla and Venkatapuram police. Often this included torture of the most heinous kind. Apart from threatening and beating up those in their custody, it was shocking to learn of several adivasis being subjected to third-degree torture. This included electric shocks and brutal beatings on the hands and legs with sticks. These cruel and degrading methods were routinely employed in AP in the context of the Naxalite movement and one assumed they were a thing of the past since that movement was more or less driven out of the State. Adivasis who have suffered this torture found it extremely difficult to resume normal life. They

were rendered unfit to carry out farm labour work or collecting bamboo from the forest because of their battered physical condition.

In the Pega and Edugurallapalli panchayats of Chinturmandal, adivasi residents live in constant fear of persecution by the police. In the course of what the police term "investigation of crime by the Maoists", it has become routine for the police to hold these adivasis in illegal custody, often for weeks on end and subject them to beatings. It was fear of such torture that led an adivasi Sode Mantri (22) of Lankapalli village in Edugurallapalli panchayat to attempt suicide by slitting his throat with a blade in the Edugurallapalli police outpost on December 1, 2012. Fortunately, he survived after being rushed to a hospital in Khammam. Mantri was picked up along with four other young men - Vanjam Jitender, Sode Ungaiah, Kovasi Ungaiah and Kovasi Raju - from Lankapalli on November 30. Raju was let off after two weeks on December 14, but the other three were held in illegal custody for a few more weeks before being sent home. Even their relatives, who spent most of the time outside the police station, were not allowed to meet them.

On every occasion that the Maoists injure or kill anyone in the area, indulge in property destruction or even put up posters or banners, the police let lose a virtual reign of terror. It is as if any act of violence or propaganda by the Maoists is signal for the police to indulge in illegalities. Adivasis are picked up from the fields, villages and weekly shanties, held in illegal custody, abused, beaten up and some of them booked in false cases, often under the undemocratic and draconian Unlawful Activities Prevention Act (UAPA). Bail is difficult to obtain and their families, most of who are poor, undergo great hardship as a result.

Abuse of Bind-Over Proceedings

The adivasis are also endlessly harassed by way of "bind-over" proceedings. Instead of adhering to the procedure laid out in Sec. 107 CrPc. in respect of the bind-over process, the police are making a mockery of the provisions in that Section. They are simply herding adivasis by the dozens to the police stations, making them affix their thumb impressions on paper and subsequently harassing them. These adivasis, most of them youth in their early twenties, are asked to report every week at the police station. They are made to sit for several hours, at times even overnight, made to

wash utensils, clean up the premises and do various other chores for the police. Batches of them are then given a slip of paper with their names on it and the date on which, often not more than a week later, they are 'required' to come to the police station. Several minor boys are also being subjected to this routine. Shockingly, in some villages like Pavurlanka and Lankapalli, the adivasis have been going in groups to the local police station once a week since the past four years!

This is true in many villages of Cherla and Dummugudem mandals. All of them are totally adivasi villages located on the border with Chattisgarh. Some are villages of local adivasis and some are hamlets of immigrants from the troubled areas of that State. The common complaint in all these villages is that the police were asking adivasis to come to the local police station to attend what are described as bind-over proceedings. In the law, bind-over is a precautionary measure, to be adopted when there is reasonable ground to anticipate some present or future danger. It is not a conviction or punishment and is not to be applied for in respect of an act which is past and which is not likely to be repeated. These proceedings are to be conducted by the tahsildar or RDO and not the police. The law lays down a procedure, namely that notice is to be issued and inquiry is to be held before anyone can be directed to sign a bond. Instead, what is happening in these areas is that signatures or thumb impressions of the adivasis are taken on blank papers on which something is later written or typed. They are told that they have been 'bound over' and have to come whenever directed by the police. They may be asked to report on a particular day every week or once in 10 days. They go accordingly and are made to sit in the police station for a whole day, sometimes well into the night and made to do the policemen's bidding. Adivasis have begun to call these repeated trips to the police station as "vayidha"-a word in Telugu for a court adjournment.

The adivasis are also endlessly harassed by way of "bind-over" proceedings... These adivasis, most of them youth in their early twenties, are asked to report every week at the police station. They are made to sit for several hours, at times even overnight, made to clean utensils, clean up the premises and do various chores for the police... [Some] adivasis have been going in groups to the local police station once a week since the past four years!

The number of persons who have been subjected to such bind-over proceedings ranges from a minimum of 10 in almost every village, including even minors and the aged. In Puligundala village of Devarapalli panchayat in Cherla mandal consisting of 67 households, 56 persons have been bound over. In Kondevai village, also in Cherla mandal, 25 persons have been bound over. This village has just 27 households. In Mulakanapally village of Dummugudem mandal, a total of 28 adivasis have to report every Friday at the police station. They have been doing so for the past four years! Failure to appear even once invites serious consequences like beatings by the police. Having left work behind, every such trip to the police station and back costs an adivasi at least Rs 100. This is nothing but mass harassment.

Adivasis resident in even remote habitations in Wazedu as well as in mandals like Kunavaram, VR Puram, Kukkunur, Velerupadu, Pinapaka, Burgampadu and Manuguru are also being bound-over in the hundreds, maltreated, held in illegal custody and sometimes booked in criminal cases under concocted charges. This has resulted in terrible insecurity among the adivasis in this region. Every time there is Maoist activity in an area, and it does not have to be committing of violence, the police unleash violence on ordinary adivasis.

Time and again the HRF and various adivasi rights organisations have pointed out this deplorable state of affairs and that such misuse of legal provisions meant for checking habitual crime must stop. We have urged the government to seriously address the issue of torture by law enforcement personnel; that a high-level investigation be ordered into these illegalities being committed by the police and those responsible for torturing adivasis be charged appropriately and prosecuted. We have made the point that the acts of the police in the border mandals has led to an unacceptable violation of right to life and liberty, but to no avail. The police have been overstepping the law, behaving arbitrarily, hounding adivasis, torturing those in their custody and getting away with it because they enjoy immunity from prosecution. It is clear that the police in these areas have been given a "free hand" to deal with Maoists by the government. And adivasis continue to pay a heavy price.

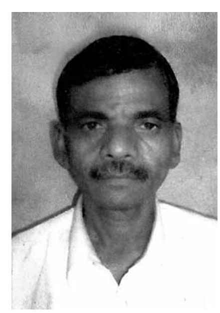
In what is a clearly disturbing development, the police have, over the past year or so, been threatening functionaries of adivasi rights' organisations saying they would also "get into trouble" if they spoke out or issued press statements pointing out or criticising police excesses. These threats seem to have had the desired impact.

Consequently, there is almost near total silence from civil society, particularly in the border mandals of Khammam, when adivasis are targeted by the police.

An Innocent Pastor Tortured To Death

It would be a mistake to imagine that only the Greyhounds have a monopoly on cross-border raids. The Chattisgarh police also make forays into Telangana and AP and commit illegalities. And when it results in the death of a civilian in their custody, invoking the fiction of a "dreaded Maoist" is the most convenient way out for the police.

In late August, 2011 the Chattisgarh police put out the story that a top Maoist arms supplier named Gangraj had died while undergoing treatment at the Dr Bhimrao Ambedkar Government Hospital, Raipur. Hospital Superintendent Vivek Choudhary said: "He was brought in an unconscious condition on August 12. An operation was conducted three days later, but he did not survive. He died of subdural haematoma, a type of brain haemorrhage." The implication was that the death was due to beatings while in custody.



According to the then Dantewara SP Ankit Garg, Gangraj was arrested in the last week of July in a raid across the border in Khamman district (of the then AP state) and handed over to judicial custody within 24 hours. "He then fell sick and was admitted to hospital," the SP stated. The police version was that Gangaraj was a weapons procurer for the Maoists and was one of the key accused in the April 6, 2010 ambush near Chintalnar village in Dantewara district in which 76 CRPF men were killed by the Maoists. The Chattisgarh police kept denying that Gangraj's was a custodial killing.

The man who died on August 24, 2011 at the Raipur hospital was no Maoist nor was his name Gangraj. He was Madkam Joga Rao (45), an adivasi farmer of Banjaragudem village, located about 25 km from Bhadrachalam in Kukunur mandal of Khammam district in AP. Joga Rao, who belonged to the Koya tribe converted to Christianity about 20 years ago and was pastor in the Bethel Church in Banjaragudem since the

past 15 years. He farmed paddy and cashew in about 1.5 acres of land near the village. He did not "fall sick" and die as stated by the Dantewara SP but succumbed to police third degree while in custody.

On the night of July 26, 2011, over 25 heavily armed policemen from Chattisgarh all attired in plainclothes, and speaking in Hindi, raided his house in the village, woke him up and abducted him. They did this in front of his wife Laxmikanta, daughter Chinnakka and his son Raja Babu. They assured the frightened women that he would be dropped back home the next day. It is not clear whether the AP police had knowledge of this raid. While the Kukunur police maintained they had no clue about it till the next day, it is highly improbable that the raid could have happened without the knowledge of senior police officials. What the local police later admitted was that the raid was indeed by the Chattisgarh police and the CRPF.

Ever since Joga Rao was picked up, Laxmi and Chinnakka pleaded with the Kukkunur police to tell them of his whereabouts. The local police were of not much help saying once that he was in the Konta area and then again that he was in Chintalnar. It was on August 5 that the Kukunur SI of police told the women that Rao was ill and admitted in the Jagdalpur Hospital. He gave them a certificate five days later stating that they were Joga Rao's family members and armed with this the women went to Jagdalpur where the police said Joga Rao's condition had worsened from a severe injury to the head and that he was shifted to Raipur just the day before. Having run out of money, the women returned home. They were informed by the Kukunur police of Joga Rao's death on August 29, a full five days after his demise. By then the Raipur civic authorities had already got his body cremated.

Joga Rao was the victim of a mistaken identity. Having picked him up on the basis of erroneous intelligence inputs, the CRPF in Chattisgarh tortured him while in their custody and then handed him over to the police. He was charged with various crimes and sent for judicial remand to the Dantewara sub-jail. When his condition turned serious, they first took him to a hospital in Jagdalpur and then shifted him to Raipur. They knew by then that he had no connections with the Maoists but the damage was already done. Which was why they cooked up a story that he was "Gangraj, a wanted Maoist."

Two Adivasi Women of Nimmalagudem

Located in Konta block of Sukma district in Chattisgarh, Nimmalagudem with about 30 adivasi households, is less than 3 km into the border from the former Andhra Pradesh state across from Cherla mandal in Khammam district. At daybreak on January 12, 2013, a police party consisting of principally the Greyhounds, descended on the village. On seeing them from a distance, most men, all farmers, fled into the forest in the opposite direction. The policemen began abusing and beating up residents including several women and children. Among those beaten up were Sodi Devi, a 10 year-old girl and a 12-year old boy Madvi Venkatesh. The boy lost three teeth as a result.



Parvathi and Somidi

The policemen then picked up a farmer Podium Chukkaiah and his minor son (aged about 11) P Bhimaiah as well as Madvi Parvathi (21), Kovasi Somidi (15) and another woman Madkam Saramma. While Somidi is a minor, Parvathi was three months pregnant at the time. Their hands were tied and they were taken to a spot about half a kilometre away from the village below a hillock where there were remnants of a camp set up earlier by the Maoists. The policemen beat them up accusing the four as well as the entire village that they were providing food and help to the Maoists. All through Parvathi kept pleading with the policemen not to hit her on the stomach as she was pregnant. Bhimaiah was slapped repeatedly.

Several women including Parvathi's mother Jogamma, her aunt Punam Somamma and Somidi's mother Aite followed the policemen pleading with them to not harm their daughters. The policemen instead abused and also beat up the three women and even kicked them. Aite and Jogamma tried to give some water to Parvathi and Somidi but the policemen did not allow it.

Soon after, the policemen partially disrobed Parvathi and Somidi and forcibly took the two away with them. The incident was reported in the Telugu media after the tribals

went to Cherla and narrated the events to local reporters. When contacted by reporters repeatedly, police officials have kept denying knowledge of the whole thing.

On January 16, Nimmalagudem villagers again walked to Cherla and met the Bhadrachalam sub-collector Narayana Bharat Gupta. They told him what had happened on January 12 and pleaded with him to help them locate their daughters. They told him that every time there was movement of Maoists in the area or any incident involving the Maoists, the Andhra police were targeting Nimmalagudem and harassing them. Gupta promised to take up the matter with higher officials but nothing came of it. It was only after a habeas corpus was filed in the AP High Court and a campaign was lodged by concerned rights organisations and the issue got played out in the national media that the police finally produced the two on January 21.

Even though Somidi was a minor, she was also lodged in the Warangal Central Prison. They were finally granted bail on February 15 and only managed to come out of prison in the first week of March—almost two months after their abduction by the police from Nimmalagudem. Parvathi had a miscarriage in the sixth month of her pregnancy.

Denying that the two were kidnapped from Nimmalagudem on January 12, the police showed up the women as active Maoist cadre. The police story was that the two were picked up in the Chintur area on January 12 as they were 'moving about suspiciously', subjected to bind-over proceedings, given counselling to maintain 'good behaviour' and let off the same day. The women, the police story went, were in active touch with the Venkatapuram Area Committee of the Maoists along with whom they had also burnt a road roller and truck and taken away a tractor engine and water tank on January 18 between Pedabandarevu and Mulkanapally villages in Cherla mandal. The women were apprehended on January 20 near Devarapalli in Cherla mandal when they had with them posters about a Maoist bandh call given for the next day. A case was registered at the Dummugudem police station and the two were then duly produced in court and remanded to judicial custody on January 21.

The women were slapped with charges under the Indian Penal Code relating to rioting, causing grievous hurt, attempting to commit dacoity using deadly weapons and explosives as well as under section 25 (i) (a) of the Indian Arms Act and section

10, 13 and 20 of the Unlawful Activities Prevention Act. Even though Somidi was a minor, she was also lodged in the Warangal Central Prison. They were finally granted bail on February 15 and only managed to come out of prison in the first week of March—almost two months after their abduction by the police from Nimmalagudem. Parvathi had a miscarriage in the sixth month of her pregnancy.

This is not by any means the first instance of brutality faced by the adivasis of Nimmalagudem. On the intervening night of November 7-8, 2008, Greyhounds police picked up two adivasi farmers of the Dorla community, Madvi Raju (30) and Parshika Muthaiah (22) of the village. They were marched across the border to Kurnapalli in Cherla mandal and shot dead in the forest. The customary story of an encounter with Maoists resulting in the death of two terrorists was then put out. The residents of Nimmalagudem are a bit resigned to their fate. "What can we do? Our tough luck is that we are located so close to the AP border and are easy prey for these trigger-happy police."

Greyhounds: The Proclaimed Model Force

Like its namesake which was historically bred by the nobility and the wealthy for coursing game, our home-raised human Greyhounds go about the task of mowing down Naxalites as if the latter are wild game. And like that canine which was cherished for its speed and ability to spot its prey, so also the Greyhounds. And much like that mongrel's elevation to the courts of kings and rulers in Europe, our nation's sovereigns also cherish the contemporary version with pride of place in the battle against Naxalites.

The Prime Minister is fond of stating from time to time that the 'Greyhounds', a special force of the Andhra Pradesh police raised with the specific purpose of liquidating Naxalites, is an excellent entity that merits replication in all States. Several Central and State Ministers, as well as senior functionaries of Opposition parties off and on parrot this line. The reality is that over the past two decades, Greyhounds personnel have, in brazen contempt of the law, committed terrible brutalities not just in AP but also in neighbouring States.

The Greyhounds was raised by the then AP government in 1989 as a specialised anti-insurgency police force. Its principal objective, then and now, is to hunt down and eliminate Naxalites. Senior police officers have called it an "assault team", a description that deeply offends democratic sensibilities. Drawn from other police wings in the State, paid very high salaries and trained rigorously for jungle combat, its personnel function on the basis of focused intelligence inputs about the presence of Naxalite armed squads. The Greyhounds make no effort to apprehend suspects, their brief is very clearly to assault and kill. Raised with the express purpose of annihilating Naxalites, it is a force that functions in near total secrecy. Headed by an Inspector General of Police, the Greyhounds is also intended for deployment in law and order situations and during natural disasters, but the emphasis has always been to "seek out and finish off" the Naxalites.

The Greyhounds have gone about this task with a meticulously disturbing ruthlessness in AP. Surrounding, chasing and shooting down even entire armed squads, often in remote forest areas. Very rarely have they apprehended Naxalites who have even surrendered. This force has been given an explicitly extra-Constitutional task and operates without legislative oversight and scrutiny. It has been functioning since a quarter century without any seemingly legal status. In fact, its organization and charter are not known to the people. It is not clear if this entity is provided with a legal framework for its existence and functioning. Its extra-Constitutional mandate violates Article 21 of the Constitution, the right to life, liberty and safety of citizens. To put it in blunt fashion: "they have been assigned the licence to commit murder". And this is the force that is held up as an example; of being an effective answer to "left-wing terrorism".

It would, however, be a mistake to think that the Greyhounds only go about executing armed Naxalites. Having developed a killing habit, these lawless death squads have, over the years, tortured and shot dead unarmed civilians and also committed serial rapes. This has happened not only in AP but also in their occasional forays across the border into other States, mainly Chattisgarh and Orissa.

> *The reality is that over the past two decades, Greyhounds personnel have, in brazen contempt of the law, committed terrible brutalities not just in AP but also in neighbouring States... The Greyhounds make no effort to apprehend suspects, their brief is very clearly to assault and kill.*

Kotipalli

Several years ago, a Greyhounds unit crossed over into Orissa from the forest region of Visakhapatnam district in Andhra Pradesh and committed triple murders in the village of Kotipalli. This incident is worthy of some narration as it holds a mirror to the utter impunity that this "model force" has got used to over the years.

Kotipalli is a small Kondh village of 16 households in Pamparimetta panchayat of Kodamulgumma block in Malkangiri district of Orissa. It is located atop a mountain on the Orissa-AP border just across from Pedabayulu mandal in Visakhapatnam district of AP. At about 9 am on January 20, 2009 over 30 Greyhounds police personnel went

to the village and picked up Golluri Sombu (45), his brother Golluri Budra (40) and Pangi Sadhayi (a 20 year old woman who was three-months pregnant) from near their homes. All three were adivasi cultivators and residents of the village. They were beaten up badly despite protestations that they were unconnected with the Maoists. Their relatives kept pleading with the Greyhounds policemen to stop the beatings but to no avail. Several other men in the village were also beaten up.

Sadhayi was tied to a tree by the police and beaten so badly that she lost consciousness. The police made Sombu and Budra walk to the outskirts of the village near the burial ground. Sadhayi, who had fainted and was bleeding from the nose, was carried there by the policemen. After further beating all three were shot dead at about 11 am. In the meanwhile, several Greyhounds men stood guard around the village to ensure that the petrified villagers would not protest.

Having killed the three unarmed villagers inside Orissa, the Greyhounds then carried the bodies back across the border and claimed that three 'dreaded Maoists including a woman cadre' had died in an encounter in the forests of Pedabayalu in Visakhapatnam district of A.P. This falsehood was necessitated by the fact that the Greyhounds are part of the AP police and they cannot go raiding or combing the forests of Orissa at their will and pleasure. But the Greyhounds continue to do so regularly and the government has never sought to ensure that this is put an end to. This is not just a technical matter of territorial jurisdiction. Police action, by its very nature, is liable to trample upon life and liberty and hence only authorised action should be permitted, and only within permissible limits. The Courts have emphasised this on occasion but the administration continues to disobey the courts in this matter.

A government respectful of the law would have initiated criminal proceedings against the Greyhounds men. The AP police ought to have revealed to their counterparts in Orissa the identities of the men who raided Kotipalli on the day and the latter should have registered the offence and moved on to prosecute them. This is the procedure to be followed even if the three were members of an armed squad of the naxalites and not unarmed civilians.

Interestingly, even though these triple murders were carried out in Orissa, the AP police maintained that an 'encounter' had taken place within AP. In which case, the seminal judgment of the AP High Court pronounced on 6/2/2009 should have applied (See the section 'Encounters and the Law'). In other words, a case under section 302

of the IPC related to murder should have therefore been registered against the Greyhounds police concerned at the Pedabayulu police station in respect of these killings. The Pedabayulu police ought to have been given the names of the police personnel who were part of the Greyhounds team that went to Kotipalli on January 20 by the Greyhounds officials concerned.

Moreover, it would be pertinent that the investigation in the case must not be done by the Andhra police. This was because the then Visakhapatnam SP continued to maintain, in spite of the plain facts, that the three deceased were not unarmed Adivasi villagers but armed Maoist cadre. Therefore, there was no scope for justice being done if the AP police themselves investigated this case. Since the Malkangiri SP was also parroting the lies being put out by his counterpart in Visakhapatnam, it would not have been of any use to handover the case to them either. This is why time and again the demand is raised for the criminal investigation in such cases to be conducted by either the CBI or a criminal investigation team under the aegis of the National Human Rights Commission.

Governments are certainly no respecters of the law and therefore no case was registered under appropriate sections of the law or any investigation done. Only the mandatory magisterial inquiry has been conducted by the Chitrakonda revenue authorities. Incidentally, this inquiry by Orissa Govt. functionaries itself nailed the Visakhapatnam SP's lie that the 'encounter' had taken place within AP.

Some of the crimes of these Greyhounds killers bear recollection. Upon information that there was a gathering of Maoists atop Pavuralakonda in G Madugula mandal of Visakhapatnam district, several teams of Greyhounds raided the hill on the morning of May 10, 2012. The Maoists spotted them from a distance and beat a hasty retreat across the border, which was not far, into Malkangiri district of Orissa. The frustrated Greyhounds men soon after shot dead two adivasi farmers, Korabu Tellanna Padal (35) and Vandalam Appa Rao (25). The two had left about 40 minutes before from Yesthalu village located below the hill looking for their cattle since it was ploughing season. After shooting them dead, the usual story was put out by the district police of "a fierce encounter with the Maoists resulting in the death of two armed cadre".

On December 19, 2010, Greyhounds personnel crossed a river across from Cheruvuru village in Balapam panchayat of Chintapalli mandal in Visakhapatnam district of AP into a forest area of Kudumulugumma block in Malkangiri district and shot dead three

Maoist squad members and a local adivasi farmer Kondumala Lakshman Rao. There was no exchange of fire on this occasion too with the Greyhounds firing unilaterally and killing the four. Earlier, Greyhounds personnel killed three young Adivasi farmers on December 5, 2007 at Kannavaram village of Budharalla panchayat in Koyyuru mandal in Visakhapatnam district. As in the Kotipalli killings, on that occasion too, they maintained the utter falsehood that the three were armed Maoist cadre.

The Vakapalli and Baluguda Mass Rapes

Eleven Kondh women of Vakapalli village in Nurmati panchayat of G. Madugula mandal in the Scheduled V region of Visakhapatnam district, AP were raped by personnel of a Greyhounds unit in the village on the morning of August 20, 2007. Ten of them are in the age group of 20 to 30 years, while one woman is 45 years old. All of them are married. Two of the 11 women of Vakapalli have since died. Vanthala Chittemma, aged about 46 died in 2011 from ill-health and Pangi Barso aged about 32, died the same year after she was bit by a snake near the village.



Pangi Barso, who died from snakebite

The Greyhounds men entered the village at about 6 am on August 20. By then all the able-bodied men and youth were away in the fields having left as early as 3.30 am to 4 am, as they usually do, to carry out podu (slash and burn cultivation) and other farm operations. The women of the village were busy cleaning their homes, working in the turmeric fields adjacent to the village, at the cattle sheds and some had gone to the nearby rivulet to clean utensils. Others had gone to answer nature's call.

The Greyhounds men started raping the women straightaway. Some were pushed into the huts and raped; others were set upon in the turmeric fields and even in open places in the village. Seven of the women were gang-raped. The police also threw out household utensils. The women were repeatedly threatened and raped at gun-point. Several women managed to save themselves by running away from the village and hiding in the forest. After the mayhem, the Greyhounds men left at about 8 am.

It was only after the men returned that word was sent to the Paderu BSP MLA Lake Raja Rao at around noon. The MLA rushed to the village along with media persons from Paderu after which the news filtered out by around 3 pm. The women went along with the MLA to the Paderu sub-collector and recounted the incident upon which he asked the DSP to register a case. An FIR was lodged under sections 376 (ii) (g) IPC (gang rape) and section 3 (2) (V) of the SC/ST (Prevention of Atrocities Act) 1989.

Registering an FIR is one thing, a diligent investigation quite another. And when it comes about that the accused are your brethren, that too of the elite sort, an effort to cover-up becomes the norm with the police. On August 20 itself, the police did their worst to delay matters. Though the women were referred to the King George Hospital (KGH) in Visakhapatnam for medical examination, the police took them to Anakapalle instead, though the hospital there is not equipped for carrying out the requisite tests. The police even threatened doctors at the hospital in Anakapalle to carry out the tests. The women stood their ground and even refused to get down from the van saying they wanted to be taken to the KGH. This was eventually done but only after a delay of about three and a half hours.

For months on end, there was a sustained agitation across the State seeking justice to the women by punishing the rapists. There was a specific demand to hand over the case to the CBI since it was the Greyhounds who are the accused and their counterparts among the local police were clearly doing nothing to bring them to book.

This criminal cover-up by the police is not confined to the lower ranks. The signal usually emanates from above. Soon after the media began flashing news of the Vakapalli rape, the then AP DGP MA Basith stated from Hyderabad that the police were innocent and that it was the Maoists who had provoked the women to make these allegations so as to undermine the morale of the police force. He went on to add that the Maoists were doing this as they wanted to put a brake to the combing operations by the Greyhounds in the Agency region. Soon after, the then State Home Minister Jana Reddy parroted this. There was a huge uproar from mass organisations, womens' and rights bodies and political parties (excepting the Congress) which forced the Home Minister to modify his view the next day when he stated: "justice will be done and the culprits will not go free if the charges are proven".

Nothing of the kind happened. In the coming weeks, the police did not take up any investigation. Neither the local DSP who was the initial investigating officer nor the ASP, Ananda Rao, who was later put in charge did any investigation at all. In fact the ASP only went to the village a full two weeks later. And even then, instead of recording the statements of the women, he tried to make them change their version with the promise of money and kind. The Collector and SP visited the village only two months after the rapes.

For months on end, there was a sustained agitation across the State seeking justice to the women by punishing the rapists. There was a specific demand to hand over the case to the CBI since it was the Greyhounds who are the accused and their counterparts among the local police were clearly doing nothing to bring them to book. In fact, the police went around threatening functionaries of various organisations, the local MLA as well as harassing residents of Vakapalli. The National ST Commission sent one of its members, assistant director RK Misra, to look into the matter. Following submission of his report, the ST Panel recommended in December of that year to the Andhra Pradesh government that a CBI probe into the Vakapalli case would be appropriate. The State government simply sat on this recommendation.

Given lack of any progress in the investigation, the 11 women even went on a fast for seven days at the divisional headquarters of Paderu. It was only after the High Court, in a Public Interest Litigation, directed the CB-CID to take up the investigation that the investigation was taken up. However, the CB-CID filed a report stating that the complaint of the women was false. Its main contention was that there were no injuries on the women, no semen stains and that the women were unable to identify the accused. The women then filed a private complaint and when that was not registered, moved a protest petition in the Paderu court which believed them and took cognizance of the case. The Magistrate wrote that rape can be perpetrated without leaving physical injuries and semen stains. Within a week, the accused cops petitioned the AP High Court and obtained a stay of proceedings. And after four years on April 26, 2012, the AP High Court ordered in the women's favour. Justice Seshasayana Reddy held that of the 21 policemen, the trial will continue against 13 policemen and acquitted eight others. The eight were acquitted on the ground that they were part of a contour party and outside the village on the day. The policemen moved the Supreme Court and obtained a stay. Efforts are on by advocates

representing the Vakapalli women to get it dismissed so that the policemen can finally face trial for charges of gang rape and atrocities under the SC ST (Prevention of Atrocities) Act.

All through this, what stands out is the remarkable courage and resilience of the Vakapalli women and their relatives. They resisted harassment, intimidation, generous offers of money and even plain threats. All along their exhortation has been: "we want justice. We want those criminal Greyhounds men who raped us sent to prison."

And again on January 22, 2010, a Greyhounds team raped four Kondh women in the village of Baluguda village in Babusala panchayat of Munchingput mandal in the same district. Around 50 Greyhounds police personnel along with the local SI of police descended on the village at about 5 am and rounded up all the men and boys they could find near a school located on the edge of the village. Several policemen then entered the houses of the four adivasi women, one of who is also the community health worker in the village and raped them.

All through this, what stands out is the remarkable courage and resilience of the Vakapalli women and their relatives. They resisted harassment, intimidation, generous offers of money and even plain threats. All along their exhortation has been: "we want justice. We want those criminal Greyhounds men who raped us sent to prison." ...If the police personnel responsible for sexual inhumanity on Vakapalli women were hauled up in court, would Baluguda have happened? Would Greyhounds personnel continue to commit crimes with impunity?

The policemen took into their custody nine men of the village and left at about 8 am. The following day, 6 of them were let off after bind-over cases were booked against them. Criminal cases were booked against three others and they were remanded to judicial custody. The Chintapalli ASP who was asked to look into the "veracity or otherwise" of the allegations did not even bother to visit the village and speak with the Kondh women. On the other hand, the local police threatened and browbeat Baluguda residents saying the men would be booked in criminal cases if they pursued the matter or spoke out the truth. They would say: "It is three years since Vakapalli

happened and no one has been able to touch us." The police succeeded in intimidating the adivasis into silence. If the police personnel responsible for sexual inhumanity on Vakapalli women were hauled up in court, would Baluguda have happened? Would Greyhounds personnel continue to commit crimes with impunity?

Encounters and the Law

It is good that "encounters" are being discussed fairly regularly these days even on national TV in the context of the Gujarat fake killings of Sohrabuddin, IshratJahan and others. In Andhra Pradesh, encounters, or extra-judicial killings as it is called in legal parlance, began as deliberate State policy ever since the Naxalite movement took birth in the late 1960s in the erstwhile Srikakulam district. Following a brutal State response, over 6000 persons, not only armed Naxalite cadre but many unarmed civilians were liquidated in staged encounters and yet no policeman has been prosecuted. The mandatory magisterial inquiries were held and that was that. A few judicial probes following public protests ended up exonerating the police. Rights organisations have relentlessly worked to expose and protest these murders demanding that the killers be held accountable to the law. Interestingly, the law itself is quite clear in the matter but is almost never adhered to by the police.

Every killing in an encounter is a killing in self-defence. At the conclusion of every alleged encounter, the police officer in charge of the police party that has participated in the alleged encounter gives a complaint in the local police station, which is registered as a crime under Section 307 of the IPC (read with other sections). This means that the crime is registered as one of attempt to murder by the now deceased as a consequence of which the police, according to the complaint, had to resort to firing in self-defence causing death.

An encounter by definition means an exchange of fire. It has been the contention of human rights organisations that in all cases of encounter killing, a case of murder must be registered against the police who took part in it, arrests effected, proper investigation undertaken, and the case be brought to the court which is the proper authority to decide upon the veracity or otherwise of the police version. It will not do for the police to simply put out an "encounter" story and wash their hands off the

matter. The police personnel responsible for killing someone must therefore be tried as per the law in the same manner as civilians would be in such a situation.

The practice of the police in States like Chattisgarh, AP and Orissa, as in other parts of the country is that they register only a single FIR. Principally, it relates to Section 307 of IPC relating to attempt to murder by the Maoists along with various other sections of the penal code like Sections 121, 121A (waging war against State), various provisions of the Arms Act, 1959 and Explosive Substances Act, 1908 as well as sections of the Unlawful Activities Prevention Act, 1967. The contention of the police is that this single FIR is sufficient for recording both the offences, namely the offence of attempt by the deceased on the life of the police and the offence of killing of the deceased by the police. This is simply unacceptable.

In Andhra Pradesh, encounters, or extra-judicial killings as it is called in legal parlance, began as deliberate State policy ever since the Naxalite movement took birth in the late 1960s in the erstwhile Srikakulam district. Following a brutal State response, over 6000 persons, not only armed Naxalite cadre but many unarmed civilians were liquidated in staged encounters and yet no policeman has been prosecuted.

Common sense dictates that such an incident must be registered as two crimes under Section 307 and 302 respectively. The first is a crime of attempt to murder by the now deceased and the other a crime of culpable homicide amounting to murder by the police purportedly in self-defence. The burden of establishing a preponderance of probabilities in favour of the exception relating to self-defence to a competent court rests upon the police personnel who have fired causing death. Investigation must be done into the case of killing by the police in purported self-defence. To come to the conclusion that there is no sufficient reason to investigate is to accept at face value the killer's version. This is simply impermissible since it would not meet the requirement of just, fair and reasonable procedure as laid down by the courts in various cases.

Thus every alleged encounter has to be registered as a crime under Section 302 of IPC (read with other appropriate statutes) against the police, and the concerned police personnel have to be put on trial for culpable homicide amounting to murder. The

burden of raising sufficient presumption in favour of the plea of self-defence then rests with the accused police officer/personnel.

The final decision on whether the plea of self-defence stands and life has been taken in permissible circumstances that would exonerate the police has to be taken by a competent court and not the executive, which is the police themselves, much less the killers themselves, in other words members of the police party that participated in the said "encounters". The procedure being followed by the police now makes for a mockery of the law and the Constitution. Importantly, human rights organisations have been emphasising that since it is the police themselves who are the accused, investigation into the case must not be done by their brethren either from another district or another department but must be handed over to an agency as independent as possible of the perpetrators of the offence.

The final decision on whether the plea of self-defence stands and life has been taken in permissible circumstances that would exonerate the police has to be taken by a competent court and not the executive, which is the police themselves, much less the killers themselves, in other words members of the police party that participated in the said "encounters". The procedure being followed by the police now makes for a mockery of the law and the Constitution.

While saying this, we are not indulging in any novel interpretation of the law. In fact, the National Human Rights Commission (NHRC) while dealing with a complaint on encounter killings in Andhra Pradesh issued clear directions to the AP government on November 5, 1996 stating as much. The relevant portions of the Commission's recommendations on that occasion were:

> i) As the information furnished to the Police officers in charge of the respective police stations in each of these cases is sufficient to suspect the commission of a cognizable offence, immediate steps be taken to investigate the facts and circumstances leading to the deaths...
>
> ii) As the police themselves in the respective cases are involved in perpetrating encounter, it would be appropriate that the cases are

> made over to some other investigating agency, preferably the State CID. As a lot of time has already been lost, we recommend that the investigation be completed within four months from now. If the investigation results in prosecution, steps for speedy trial must be taken. We hope compensation would be awarded in cases ending in conviction and sentence.

These directions were considered to be of general applicability and accordingly were communicated by the then NHRC Chairperson Justice MN Venkatachalaiah in his DO letter dated 29 March 1997 to all Chief Ministers of States to be followed in all cases where deaths were caused in police encounters. It was clearly stated that if an encounter death is not justified as having been caused in exercise of the legitimate right of private defence, or in proper exercise of the power of arrest under Section 46 of the Criminal Procedure Code (CrPC), the police officer causing the death would be guilty of the offence of culpable homicide. Whether the causing of death in an encounter was justified as falling under any of the two conditions could only be ascertained by proper investigation.

Regretfully, this lawful procedure is not being followed in either Andhra Pradesh or in any other State.

On February 6, 2009, a five-judge bench of the AP High Court in a historic judgment on a petition filed by the AP Civil Liberties Committee ruled that the police must file a First Information Report (FIR) every time a death occurs at their hands, and bring the case before a judge. The court said the local police officer's report would only be an "opinion" and not a conclusive finding. Importantly, the court ruled that an executive inquiry shall not be the final word on such deaths.

In the Court 's words: "Where a police officer causes death of a person acting or purporting to act in discharge of official duties in self-defence as the case may be, the first information relating to such circumstances shall be recorded and registered as FIR, enumerating the relevant provision of the law, and shall be investigated."

"The existence of circumstances bringing the case within any of the exceptions in IPC (Indian Penal Code), including the exercise of the right of private defence, cannot be conclusively determined during investigation. The opinion recorded by investigating officer in the final report to the magistrate is only an opinion. Such opinion shall be

considered by the (judicial) magistrate in the context of record of investigation together with the material and evidence collected during the course of the investigation. The (judicial) magistrate shall critically examine the entirety of the evidence collected during investigation to ascertain whether the opinion of the IO (Investigating Officer) is borne out by the record of investigation. The (judicial) magistrate has the discretion to disregard the opinion and take cognisance of the offence."

"A magisterial inquiry (inquest) is neither a substitute nor an alternative to the obligation to record the information as FIR and to conduct investigation into the facts and circumstances of the case, if necessary to take measures for the discovery and arrest of offenders."

Expectedly, the AP Police Officers Association approached the Supreme Court and obtained a stay on March 4, 2009. The case is now before the apex court.

Violence by Maoists

Brutal violence by the Maoists has resulted in the death and maiming of not only a number of police and paramilitary personnel but also unarmed civilians. At times they have deliberately targeted and killed civilians. We have condemned such violence unreservedly and demanded that the Maoists desist from such acts, not because it would further alienate and work against the people whose cause they claim to represent or that it gives strength to demands for increasing deployment of security forces, but simply because it is inhuman. We have been pointing out that whatever the sins of the Chattisgarh and Central governments it was unpardonable on the part of Maoists to purposefully target civilians. The cavalier manner in which human life is treated is totally unacceptable.



The Sanjivini 108 ambulance blown up by the Maoists in Bastar district

Some of these killings are gory. For instance, the Maoists beheaded Jharkhand police inspector Francis Induwar, who they had abducted and was in their custody, on October 6, 2009. The Maoists paid no heed to appeals by even human rights organisations which stated that civilians or captives must not be tortured or killed and that the safety of those in their custody must be ensured.

In a bizarre incident this January in Latehar district, also in Jharkhand, the Maoists placed bombs inside the bodies of CRPF men who they had shot down earlier in an ambush. One of the booby-trapped bodies exploded killing several villagers while the

other was defused by a bomb disposal squad. The Maoists have subsequently tried to justify such acts in language that showed total disregard for the risk civilians would be placed to by such gruesome deeds. These are acts that violate all acceptable norms of civilized behaviour and rob the deceased of their dignity.

Rights organisations across the country have condemned such acts unequivocally, described them as horrific and pointed out that they cannot be condoned under any circumstances. The Maoists themselves have at times expressed regret, but there is utter opaqueness at the steps they have taken to hold those responsible for the killings accountable. Moreover, the remorse does not translate into any improvement on the ground as such ruthless acts continue to be perpetuated.

The adivasis were returning from a weekly shanty when the firing took place. There were a few policemen in the jeep, but the presence of a number of adivasis should have been reason enough for the Maoists not to fire upon the vehicle and put the lives of civilians at risk. That they still resorted to the firing reflected a deplorable callousness.

The Maoists have not spared journalists either. On February 12, 2013, the body of Nemichand Jain, 45, a stringer for Hindi-language newspapers *Haribhoomi* and *Dainik Bhaskar*, was found near Nama village in Sukma district. His neck was slit. Nearly seven weeks later, the Maoists apologized for the killing terming it a "miscalculation." However, this did not deter them from killing another journalist a few months later. Sai Reddy (51), a reporter with the *Deshbandhu*, was beaten and stabbed to death by Maoist cadre at Basaguda in Bijapur district on the afternoon of December 6, 2013. Sai, with two decades of journalistic experience, had filed many reports against the Salwa Judum and was also detained by the police in 2008 under the draconian Chattisgarh Special Public Security Act for allegedly being a Maoist sympathiser. The Maoists initially put out a litany of allegations against the journalist saying he had "closely worked" with the police and had played "an active role against the people's movement". They later apologised for the killing stating that it had taken place due to "lack of proper communication to the lower ranks by a higher committee".

During election time on April 13 this year, the Maoists blew up a mini-bus near Ketulnar in Bijapur district resulting in the death of seven civilians including five shiksha karmis (teachers). The teachers were returning from duty at Kutru to the district headquarters carrying polling material. The same day, Maoists triggered a blast in the Darbha area in Bastar district blowing up a Sanjivani 108 ambulance killing the driver of the vehicle and a technician as well as five CRPF personnel.

This is not the first time that the Maoists have indulged in such mindless violence. On November 27, 2010, a Maoist landmine blast tore apart an ambulance in the Brahmanigaon area of Kandhamal district in South Orissa. Five civilians were killed, among them a pregnant woman, her three-year-old daughter and a woman health worker.

A rise in political consciousness among the adivasis in the region over these years is by no means small and a lot of credit for this must go to the Maoists. But when this heightened political awareness leads to a questioning of Maoist diktats that are patently unfair, the Maoists begin to exhibit a cruel intolerance.

On May 17, 2010—coincidentally the same date three years later when CRPF personnel shot dead eight adivasis including four minors at Edesmetta village in neighbouring Bijapur district—the Maoists blew up a private passenger bus near Chingavaram in Dantewara district of Chattisgarh. Whatever the wrongdoings and depravities of the Chattisgarh and Central governments, it was reprehensible on the part of Maoists to have lain in wait and blown up a private vehicle in which a large number of unarmed civilians were travelling. While exact figures are still difficult to obtain, not less than 23 civilians were killed in this blast apart from 11 SPOs. Such acts do not lend themselves to any kind of justification whatsoever.

A week earlier, on May 10, the Maoists fired upon a private jeep near RV Nagar in the Visakhapatnam Agency of AP. Fortunately, there were no fatalities but six adivasis, including a woman, sustained bullet injuries on that occasion. The adivasis were returning from a weekly shanty when the firing took place. There were a few policemen in the jeep, but the presence of a number of adivasis should have been

reason enough for the Maoists not to fire upon the vehicle and put the lives of civilians at risk. That they still resorted to the firing reflected a deplorable callousness.

And on February 19, 2013 the Maoists killed three adivasis at Lakkavaram village in GK Veedhi mandal of Visakhapatnam district of AP. A Maoist armed squad had summoned adivasis of a neighbouring village Sagulu for a meeting to 'sort out several issues' including distribution of their land to other adivasis in the area. Almost all residents of Sagulu, including women, children and the aged attended the meet. They took objection to the Maoists description of them as landlords saying they were barely able to get by and were in no position to do the Maoists bidding. This angered the Maoists who then began to beat up the Sagulu villagers. Two of the villagers died on the spot, one of a bullet injury while the third succumbed to severe injuries the next day. Among the 22 injured were six women of Sagulu. Terrified adivasis fled the villages and it was only five days later that Lakkavaram' residents summoned the courage to return. Residents of Sagulu could only return several months later.

The Maoists have been working among adivasis in the Visakhapatnam forest region since over three decades. That their presence has done a lot of good to the local people is a fact conceded by even their adversaries. A rise in political consciousness among the adivasis in the region over these years is by no means small and a lot of credit for this must go to the Maoists. But when this heightened political awareness leads to a questioning of Maoist diktats that are patently unfair, the Maoists begin to exhibit a cruel intolerance.

The Talks in AP: A Commendable Effort

The talks between Naxalite parties and the Andhra Pradesh government in 2004-2005 for a period of six months were largely the result of very patient and resilient efforts of the Committee of Concerned Citizens (CCC). Formed in about 1996-97, the CCC consisted of a retired IAS officer (late SR Sankaran, who passed away on October 7, 2010), two senior advocates of the High Court (one of them, K Kannabiran, passed away on December 30, 2010), a former vice-chancellor (Prof. K Jayashankar who passed away on June 21, 2011), three academics and several journalists.

The CCC's purpose was to initiate a political process in place of the violent suppression that has been the State's principal response to the Naxalite movement. Dialogue was only one aspect of the political process. Initially, the CCC toured the areas where the Naxalite movement was active and sought to elicit the views of the people regarding the government and the Naxalites. Specific instances of atrocities committed by the police, and specific complaints of unfair actions of the Naxalites were looked into and reports prepared.

The underlying idea was that people should benefit in terms of their material rights, freedom, dignity etc. from the political process, whoever the actors.

The CCC met the Naxalite leaders and the government and sought their explanation for the complaints and allegations heard from the people. The possibility of getting started a political process was discussed with them. It was intended that there should be wide public discussion of the contentions of the two sides, their allegations against each other and their justification of their actions.

The underlying idea was that people should benefit in terms of their material rights, freedom, dignity etc. from the political process, whoever the actors. The welfare of the people as the touchstone of political legitimacy guided the activity of the CCC.

The process worked towards a dialogue between the government and the Naxalites. It was made clear by the CCC that the dialogue was to be without prejudice to the political positions of the two sides. The Naxalites were not required to give up their aim of revolution and the strategy adopted by them and the State was not required to give up its position that there is no room for armed revolution under the Indian Constitution. It was understood that there was considerable scope for discussing people's problems and arriving at an understanding of their resolution, or agreeing on ways to reduce the pressure upon them due to the logic of action and reaction followed by the two sides.

As the then Telugu Desam Party's government insisted on the Naxalites giving up armed struggle and accepting the Constitution as a pre-condition for a dialogue, no dialogue could or did take place in that party's regime. The CCC tried to convince the government that talking to the Naxalites without insisting on their laying down weapons did not mean 'conceding' the legitimacy of the armed revolution, any more than the Naxalites agreeing to talk to the government meant conceding the legitimacy of the election process. It was insisted that in the interests of the people, it was necessary for both sides to suspend the ideological objections and sit for a dialogue without prejudice to their respective stands. Throughout the TDP dispensation, nothing came of the CCC's efforts in this regard. They published the documents reflecting their efforts and repeatedly addressed the people in various forms on their purpose and aims.

> *To get the two sides to the table is that much more difficult than it was a decade ago. The prospects are bleak but the effort is well worth it since adivasis who are predominantly resident in the conflict areas need breathing space and justice.*

It was only after the TDP was defeated and the Congress party came to power in May 2004 that agreement was possible on unconditional dialogue. Any such dialogue can only take place in the background of peace at the ground-level. Thus unconditional ceasefire was insisted on. Both the sides accepted it and there was relief from violence from June 2004 to January 2005. The process was aborted when the government went back on the commitment to talks without pre-conditions and encouraged the police to begin encounter killings.

A brief summation of the CCC's effort in a PUCL bulletin is worth restating:

> It is almost three years since the Committee of Concerned Citizens commenced its endeavours. Looking back, the work of the Committee during the period may be broadly visualized as having taken place in three phases. The first phase from April 1997 to December 1997 comprised touring of several districts in Telangana and meeting people in the villages. The observations of the Committee based on these visits and discussions were presented to the public as well as the Government and the Naxalite groups through the first report of the Committee released in a Press Conference in June 1997 and the second report of the Committee released similarly in December.
>
> As the response of the Government and the Naxalites was somewhat encouraging and there was a general optimism in the public about the Committee's efforts, the second phase of the work of the Committee commenced in January 1998 with a detailed discussion with the representatives of the CPI (ML) Peoples War towards the end of January. Later, the Committee met the Chief Minister of Andhra Pradesh on April 10, 1998 and had detailed discussions, when some of his Cabinet colleagues and the top officials of the Government including the Chief Secretary and the Director General of Police were present. During these two meetings, the Committee communicated its concerns to both the CPI (ML) Peoples War and the Government and was able to elicit certain specific assurances from them.
>
> The Committee's work thereafter entered the third phase. Having initiated a direct dialogue with the Naxalites and the Government, the Committee considered that there was an atmosphere for a more open and comprehensive debate on substantive issues. The Committee also felt that it was necessary to share with wider sections of the people all that transpired at the closed-door discussions with the Government as well as the Naxalites.

A publication in the form of a documentation of the efforts of the Committee was brought out in English and Telugu titled *In Search of Democratic Space/Moodo Gonthu* Kosam to facilitate a wider debate [*PUCL Bulletin, June 2000*].

Since the intensification of security operations in 2009 there have been a few efforts at dialogue but they have not moved forward largely because the government has never been serious in its commitment. On their part, the Maoists also seem to think that the "peace talks" in AP and later on in West Bengal had eventually worked against their interests. So to get the two sides to the table is that much more difficult than it was a decade ago. The prospects are bleak but the effort is well worth it since adivasis who are predominantly resident in the conflict areas need breathing space and justice.

By Way of Conclusion

> *We are not concerned with whether the State will eventually find an 'answer' to Maoism. So long as the people are the arbiters, and they are able to decide freely and fearlessly, the argument is at liberty to work itself out. We are concerned rather with how the State's answer to Maoism is sought to be devised and enforced, and how the Maoists choose to respond to these efforts of the State. Political battles are to be fought without trampling upon the rights of the people - especially the vulnerable sections of them - beyond the minimum that may be unavoidable in any such conflict. And at the end life must be better in the sense of a greater security for the rights of the most deprived sections. As for the trade-off between means and ends, no easy or nonchalant answer can be accepted from either side.*
>
> *- K. Balagopal*

Over the past four years or so, a security juggernaut, running into over a lakh of security personnel, has been flung at the Maoists and adivasis in South Chattisgarh. The government and indeed large sections of our society, have not paused to ponder at the horrible injury that is being inflicted on adivasis resident in the area. There has been no thought given to the effects of State-sponsored assassins on the prowl, the letting loose of the police and paramilitary with the unlawful assignment of committing murder, the irrational and blatantly unfair stigmatisation of adversaries and the by-now sickeningly familiar habit of apportioning blame on the Maoists for crimes of the police. Both in word and deed, the venality of governments has been truly staggering. Should an unprincipled policy like this be pursued assiduously while we sit on the side-lines and do nothing even as those at the very bottom bear its grim consequences?

One of the most devastating consequences of the State's clamping down on an entire population is that thousands of adivasi men and women remain imprisoned as under-trials. These prisons are extremely over-crowded, a fact that is acknowledged even by the government. For instance, while the capacity of the Dantewara district jail is 150, the prison houses about 613 persons, about 4 times its optimum capacity! What needs to be noted is that the numbers showing the occupancy in jail are not just mere numbers but persons whose freedom has been curtailed. In most cases this has happened for no rhyme or reason but to display the might of a ruthless State. Most of those who have been implicated in serious cases and charged with Naxalite/Maoist offenses have been picked up routinely during search operations by the police and paramilitary forces. Judicial authorities have not applied their minds judiciously while packing these people off to prison. This has resulted in thousands of ordinary villagers being heedlessly incarcerated under serious charges. Many have been imprisoned for over two years without trial and held in Central jails at great distances from their homes and families. The situation is no different in the other States where counter-insurgency operations are on, with the adivasi under-trial population running into thousands in each of these States. Being charged with serious offences, these under-trials are not produced in court for lengthy periods and owing to this, the trial does not proceed for years together. Frequently dependent on legal aid lawyers who are clearly not up to the task for various reasons, they continue to languish in prison.

Most of them are ordinary adivasis who have been incarcerated on flimsy grounds. They are unable to access legal help to even obtain bail because of their poverty and lack of resources. They have been denied speedy and impartial justice which is a Constitutional right. It is telling that in the widely publicised "Collector abduction" incidents of Chattisgarh and Odisha, one of the major demands raised by the Maoists was speedy and fair trial for these thousands of jailed adivasis. Yet, virtually none of the efforts belatedly agreed to by the State governments such as the “High-powered Committee for review of the cases of Adivasi under-trials in Chattisgarh”, set up in mid-2012 under the aegis of Nirmala Buch, have come to fruition.

As this report has tried to substantiate, the brutalities being inflicted upon the adivasis in South Chattisgarh by a combination of security forces and vigilante groups like Koya Commandos and SPOs is part of a conscious counter-insurgency strategy of the government in its fight against the Maoists. In Chattisgarh, time and again this has meant that adivasis perceived of being the support base of the Maoists are being

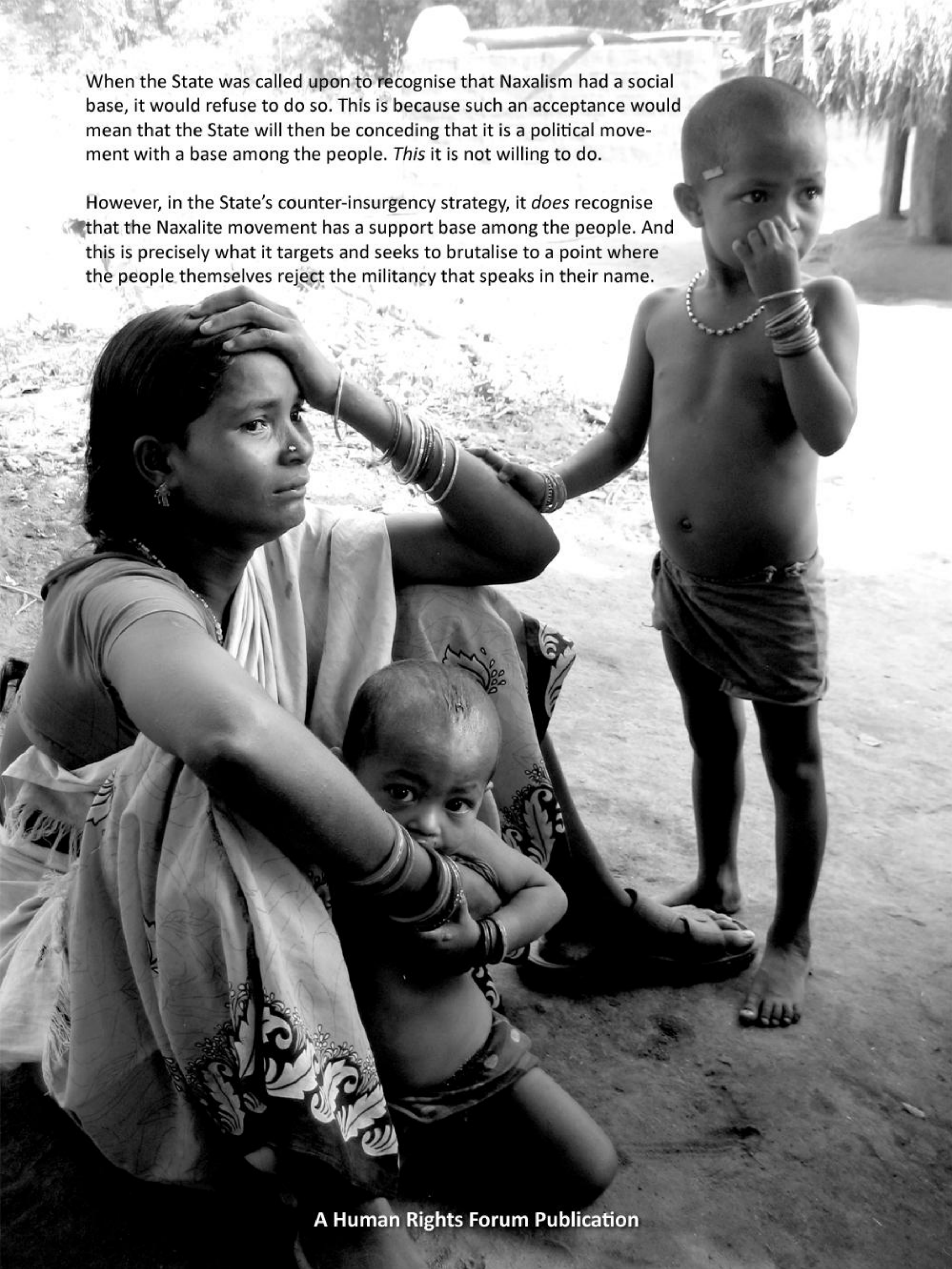
deliberately targeted and subjected to terrible violence. This is an unacceptable violation of the right to life and liberty. In pursuing this inhuman policy, both the Central and State governments are treating the law of the land and the Constitution with contempt. It is our firm belief that governments must desist from this policy and must instead adopt a political approach to the Maoists in place of the violent suppression that has been the State's principal response all these years.

We have repeatedly pointed out that the government's policy of treating the Maoist movement as a mere outbreak of criminality and seeking to "wipe it out" by deploying more and more special forces is deeply offensive of our Constitutional value system and democratic sensibilities. Functionaries of the Central and State governments keep stating from time to time that Maoism is not merely a law-and-order problem but as one having strong socio-economic roots. However, in practice Maoism is being treated as nothing but an outbreak of mere criminality and deployment of killer security forces is seen as the only solution. It is not our contention that the police apparatus must be a mute spectator to violence committed by the Maoists. They must meet that violence but in a manner that is respectful of the law and the rights of the people. They cannot overstep the boundaries of the law much less indulge in 'administrative liquidation.' Otherwise, immense injury would be done to the 'children of our republic' as the Supreme Court so poignantly put it recently.

The democratic way forward would be to take concrete steps to rehabilitate those who have been forcibly displaced from their villages, respect the Fifth Schedule mandate in letter and spirit and the adivasis' right to land, forest and other natural resources in their region. Protective legislation meant for the adivasis must be implemented sincerely and there must be compliance with the Supreme Court directives of July 5, 2011. Those who have committed crimes of arson, rape, murder, and looting, including not only SPOs, but also members of the security forces must be tried and prosecuted. These are the first but essential steps needed under our Constitutional framework to secure the rights of our adivasis.

When the State was called upon to recognise that Naxalism had a social base, it would refuse to do so. This is because such an acceptance would mean that the State will then be conceding that it is a political movement with a base among the people. *This* it is not willing to do.

However, in the State's counter-insurgency strategy, it *does* recognise that the Naxalite movement has a support base among the people. And this is precisely what it targets and seeks to brutalise to a point where the people themselves reject the militancy that speaks in their name.



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